

ACT/RULES

National Penal (Code) Act, 2074 (2017) | [REDACTED]

[REDACTED] ([REDACTED]) [REDACTED], [REDACTED] ([REDACTED])

30 August 2026

1. Introduction and Legislative Background

The National Penal (Code) Act, 2074 (2017) commonly referred to as the National Penal Code is the principal substantive criminal law statute of Nepal. It was authenticated on 16 October 2017 (Act Number 36 of the year 2074) and came into force on 17 August 2018, corresponding to the first day of Bhadra 2075 in the Nepali calendar. It was enacted by the Legislature-Parliament pursuant to Article 296(1) of the Constitution of Nepal, with the express purpose of amending and consolidating the scattered and often outdated criminal laws that had previously existed under the Muluki Ain (Country Code) of 2020 B.S. and a multitude of individual statutes.

The stated legislative intent, recorded in the Preamble, is to provide a timely and coherent penal code that upholds morality, decency, public convenience and the economic interests of the public, while maintaining law and order, preserving harmonious relationships among Nepal's diverse religious and cultural communities, and preventing and controlling criminal offences generally. In effect, the Code represents Nepal's first attempt at a unified, modern criminal code that applies uniformly across the country, replacing a patchwork of provisions that had accumulated over more than half a century.

For practising advocates, this Code is the first point of reference in virtually every criminal matter from framing a charge sheet, to advising a client on potential exposure, to negotiating a plea, to computing a likely sentence range, to assessing whether a statute of limitation bars a complaint. This memorandum, prepared by Adalat Lawyers for internal reference and client briefing purposes, summarizes the structure and substantive content of the Code as set out across its three parts and constituent chapters, sections 1 through 308, in the version made available for review. It focuses on the prohibitions created by each provision, the applicable punishment, and any statute of limitation, compensation, or aggravating provisions that a litigator should bear in mind. It is intended as a practical navigational aid and professional briefing document, not as a verbatim reproduction of the statutory text, and should always be read together with the authoritative Nepali-language text of the Act and any subsequent amendments before being relied upon in any

proceeding.

Prior to 2074, Nepal's criminal law was scattered across the Muluki Ain, 2020 (itself a modernized descendant of the original Muluki Ain of 1910 B.S., promulgated during the Rana era), together with a long list of separate statutes dealing with specific offences the Arms and Ammunition Act, the Explosives Act, the Public Offences and Punishment Act, and numerous others. This produced overlapping, inconsistent, and in places archaic provisions, uneven punishment scales for comparable conduct, and considerable interpretive uncertainty. The National Penal Code was drafted, alongside its companion statutes the National Criminal Procedure Code, 2074, the Sentencing Act, 2074, and the National Civil Code and Civil Procedure Code enacted the same year as part of a coordinated, five-statute overhaul of Nepal's entire civil and criminal justice framework following the promulgation of the Constitution of Nepal in 2015. For litigators, this means the Penal Code should never be read in isolation: the Criminal Procedure Code governs how an offence under this Code is investigated, charged, and tried, and the Sentencing Act supplies additional generally applicable sentencing principles that operate alongside Sections 38 through 48 of this Code.

The Code is organized into three Parts. Part 1 sets out General Provisions applicable to the interpretation and application of the entire Code definitions, general defenses, the law of inchoate and secondary liability (conspiracy, attempt, abetment, accomplice liability), aggravating and mitigating factors, and the general law of punishment. Part 2, by far the largest portion of the Code, sets out the substantive Criminal Offences themselves, organized into twenty-seven chapters covering offences against the State, public order, the administration of justice, public health and morals, weapons and explosives, national heritage, religion, human dignity, marriage, the human body, pregnancy, hurt, unlawful detention, enforced disappearance, kidnapping, sexual offences, medical malpractice, property offences, currency and stamps, weights and measures, documents, trespass and mischief, and offences against animals. Part 3 addresses Offences Against Individual Privacy and Prestige, covering privacy violations and defamation. This memorandum follows that same structure.

This memorandum is organized to move from the general to the specific, in the same order as the Code itself, so that a reader can either read it end-to-end as a full orientation to Nepali substantive criminal law, or jump directly to the chapter relevant to a specific instruction. Where a provision is of particular day-to-day importance to Adalat Lawyers' litigation and advisory practice — homicide, sexual offences, property offences, defamation, and offences touching human rights and transitional justice in particular the summary below goes into somewhat greater depth than for chapters of narrower or more specialized application. [Adalat Lawyers in Nepal](#). National Penal Code, 2074.

2. Part 1 — General Provisions

2.1 Chapter 1 — Preliminary (Sections 1-5)

The opening chapter establishes the Code's title and its date of commencement (Section 1), and its territorial and extra-territorial reach (Section 2). Notably, the Code extends Nepal's criminal jurisdiction beyond its borders in several defined situations: offences against the State (other than Section 54), certain kidnapping and hostage-taking offences committed by removing a person from Nepal, offences under Sections 167 (torture), 276 (forgery) and 279 (fraud), offences relating to arms and explosives committed with intent to bring the items into Nepal, and offences committed by Nepali public officials in the course of their duties abroad are all punishable under the Code even though committed outside Nepal. The Code also applies extra-territorially to offences committed aboard Nepal-registered aircraft or vessels, and — importantly for cross-border matters — to a defined list of serious offences (murder, abandonment of a helpless person, grievous hurt, kidnapping, rape or incest, criminal mischief against government property, extortion, criminal breach of trust, forgery, theft, deception, robbery, criminal misappropriation, offences under Section 158, and marriage-related offences) committed by a Nepali citizen against another Nepali citizen while both are outside Nepal.

Section 3 contains the Code's master definitions clause, defining terms used throughout the statute (such as "offence," "public servant," "property," "document," and similar foundational terms) that recur across all subsequent chapters and must be consulted whenever interpreting any individual offence. Section 4 sets out generally applicable principles and provisions governing how the Code is to be applied, and Section 5 clarifies the relationship between this Code and special or sector-specific statutes, generally preserving the primacy of a special Act's specific penal provisions over the general Code where the two overlap, unless the Code expressly provides otherwise.

Because the definitions in Section 3 and the general principles in Section 4 apply silently across the whole of the remaining 300-plus sections, a recurring drafting risk for advocates preparing pleadings under this Code is to draft a charge or a defense by reference only to the specific offence-creating section in Part 2, without first checking whether a term used in that section is given a specialized meaning elsewhere in Part 1. Adalat Lawyers' internal practice is to treat Sections 1 through 5 as a mandatory first stop in every matter, however routine, precisely because an error at this threshold stage — for example, misapplying the ordinary meaning of "public servant," "document," or "property" rather than the Code's own defined meaning — can undermine an otherwise sound argument built on the correct substantive chapter.

2.2 Chapter 2 — General Principles of Criminal Justice (Sections 6-32)

This chapter codifies the foundational doctrines of Nepali criminal law and the general defenses available to an accused, several of which mirror principles found in common-law and civil-law penal codes alike.

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- **Legality and non-retroactivity:** Section 6 provides that an act required or excused by law cannot be an offence, and Section 7 enshrines the principle that there is no crime and no punishment without a pre-existing law — no person may be punished except in accordance with law.
 - **Mistake of fact (Section 8)** excuses an act done under an honest and reasonable mistaken belief in facts which, had they been true, would have made the act lawful.
 - **Double jeopardy (Section 9)** bars a second punishment for the same offence.
 - **Fair trial guarantees (Sections 10-12)** guarantee that no person shall be deprived of a fair trial, that no one may be compelled to testify against himself or herself, and that every accused is presumed innocent until proven guilty — constitutional guarantees restated at the level of ordinary criminal legislation.
 - **Age of criminal responsibility (Section 13)** exempts acts of young children from criminal liability, with the Code applying differentiated, rehabilitative consequences for older children through Section 45.
 - **Consent-based defenses (Sections 15-20)** excuse certain acts done with the genuine and informed consent of the person affected, or with the consent of a lawful guardian where the person cannot consent for himself or herself, while Section 19 preserves criminal liability for specified acts that remain offences even where "consent" was purportedly given (for example, most bodily-harm and sexual offences), and Section 20 defines what will and will not constitute valid consent — a definition of central importance to the sexual offences chapter and the offences relating to the human body.
 - **Good-faith communication (Section 21)** protects statements made in good faith even if they cause reputational or other harm, subject to the specific carve-outs in the defamation chapter.
 - **Compulsion (Section 22)** excuses acts done under genuine fear or threat, while **necessity (Section 23)** excuses acts done in good faith to prevent a greater harm.
 - **Private defense (Sections 25-26)** recognizes a right to defend one's person or property, subject to strict proportionality: Section 25 restricts the exercise of that right, and Section 26 categorically denies any right to cause death in the exercise of private defense beyond what is necessary — a limitation of considerable importance in homicide defense work.
 - **De minimis harm (Section 27)** excuses acts causing only slight harm that a person of ordinary sense would not complain of.
 - **Vicarious and strict liability (Sections 28-30)** hold a parent or guardian liable for offences they cause a child to commit, dispense with the need to prove criminal intent in offences the Code designates as strict-liability offences,

and fix corporate criminal liability on the individual who actually commits or causes the commission of the offending act on behalf of a body corporate.

● **Victims' rights (Section 32)** entitle a crime victim to receive information about the progress of proceedings and to seek compensation — a provision that recurs, in specific form, at the end of almost every subsequent chapter of Part 2.

Taken together, this chapter functions as the general-defenses "toolbox" that must be checked in every single criminal matter before conceding liability on behalf of a client, or before assuming that liability is established simply because the literal elements of an offence in Part 2 appear to be satisfied. In Adalat Lawyers' experience, the defenses most commonly overlooked in practice are the consent provisions (Sections 15–20), which are frequently relevant well beyond the sexual-offences context — for example, in ordinary hurt cases arising from contact sports, medical procedures, or bodily modification — and the necessity defense under Section 23, which is under-pleaded relative to its potential relevance in emergency and disaster-related fact patterns.

2.3 Chapter 3 — Criminal Conspiracy, Attempt, Abetment and Accomplice Liability (Sections 33–37)

This short but critical chapter establishes the general law of inchoate and secondary offences applicable throughout the Code. Section 33 prohibits criminal conspiracy — an agreement between two or more persons to commit an offence. Section 34 prohibits attempt, punishing conduct that goes beyond mere preparation toward the commission of a substantive offence but which is not completed. Section 35 prohibits abetment, covering instigation, conspiracy, or intentional aid given to another to commit an offence. Section 36 extends liability to an accomplice who participates in the commission of an offence without being its principal actor. Section 37 confirms that the general statute-of-limitation rules apply to conspiracy, attempt, abetment and accomplice liability in the same manner as they apply to the underlying substantive offence. In practice, punishment for these inchoate forms of liability is generally calibrated as a fraction of the sentence prescribed for the completed offence, unless a specific chapter fixes a distinct penalty (as several chapters, including kidnapping and hostage-taking, expressly do).

Because attempt, conspiracy, and abetment are each defined once, generally, in this chapter rather than being separately redefined in every individual offence-creating provision of Part 2, an advocate assessing a client's exposure for a partially completed offence — for instance, a plan to commit theft that was discovered before execution, or a kidnapping that was abandoned partway through — must return to Sections 33 through 37 to determine the correct basis and likely quantum of liability, rather than searching Part 2 in vain for a bespoke "attempted theft" or "attempted

kidnapping" provision. The one significant exception, as noted above, is where a specific chapter of Part 2 fixes its own express penalty for attempt, conspiracy, abetment, or accomplice liability — Section 215 in the kidnapping and hostage-taking chapter being a clear example — in which case the chapter-specific provision displaces the general rule.

2.4 Chapter 4 — Gravity of Offence: Aggravating and Mitigating Factors (Sections 38-39)

Sections 38 and 39 provide the interpretive framework courts must use when calibrating a sentence within the range fixed by a particular offence. Aggravating factors under Section 38 include matters such as the offence being committed against a child, an elderly person, a person with disability, or a person in the offender's care or custody; commission by a public servant abusing office; commission with premeditation, cruelty, or in a manner causing extreme fear in the public; commission by a person previously convicted of a similar offence; and commission for financial gain, among others. Mitigating factors under Section 39 include matters such as the offender's youth, absence of prior criminal record, voluntary surrender or restitution, cooperation with investigation, provocation not amounting to a full statutory defense, or genuine remorse. Advocates should treat this chapter as the primary tool for sentencing submissions, since it is these two sections — rather than the individual offence-creating provisions — that principally govern where within a statutory range a sentence should fall.

These two sections are, in Adalat Lawyers' view, among the most under-utilized provisions of the entire Code in day-to-day advocacy. Because most substantive offences in Part 2 are drafted with a range rather than a fixed penalty — "imprisonment for a term of seven to ten years," for example, rather than a single fixed figure — the ultimate sentence actually imposed depends heavily on how persuasively counsel is able to marshal the aggravating or mitigating factors listed in Sections 38 and 39 against the specific facts of the case. A written sentencing submission that systematically addresses each applicable factor, rather than making only a general plea for leniency or severity, is materially more likely to influence the outcome, and should be treated as standard practice in every contested sentencing hearing.

2.5 Chapter 5 — Provisions Relating to Punishment and Interim Relief (Sections 40-48)

This chapter sets out the Code's general sentencing architecture. Section 40 enumerates the types of punishment available under the Code — chiefly imprisonment and fine, together with ancillary orders such as compensation and forfeiture that recur in individual chapters. Section 41 defines imprisonment for life, and Section 42 governs how a sentence of life imprisonment is computed (generally treated as a fixed term of years for administrative and remission

purposes, subject to statutory review). Section 43 addresses the "one and a half" rule applicable when an offender is convicted of a consolidated or integrated course of offending, generally allowing an enhanced but capped aggregate sentence rather than mechanical addition of every individual sentence. Section 44 permits an additional or enhanced sentence for offenders convicted of heinous crimes and for recidivists — repeat offenders — reflecting a policy of graduated deterrence. Section 45 sets out a distinct and more rehabilitative sentencing regime applicable to children who are held criminally responsible, generally substituting reform-oriented measures for ordinary imprisonment. Section 46 allows a fine to be converted into a term of imprisonment where the offender is unable to pay, subject to statutory caps calibrated to the amount of the fine. Section 47 empowers remission of sentence in specified circumstances, and Section 48 gives the trial court the power to order interim compensation to a victim even before the conclusion of proceedings, reflecting the Code's broader emphasis — visible throughout Part 2 — on victim compensation as a complement to, not a substitute for, criminal punishment.

Section 48's power to award interim compensation before the conclusion of proceedings is worth particular emphasis for client advisory purposes, since it is frequently overlooked by practitioners more accustomed to systems in which compensation is available only upon final conviction. Where a client is a victim of a serious offence and is suffering ongoing financial hardship — for example, medical expenses arising from grievous hurt, or loss of income following a kidnapping — an early, well-supported application for interim compensation under Section 48 can provide meaningful practical relief long before trial concludes, and should be considered as a matter of routine in any serious personal-injury-related criminal matter.

3. Part 2 — Criminal Offences

Part 2 is the operative heart of the Code. Each of its twenty-seven chapters follows a broadly consistent internal pattern: a prohibition, a definition or explanation of what conduct satisfies that prohibition, a punishment clause (often graduated by severity, the identity or vulnerability of the victim, or the status of the offender), in many chapters a compensation-to-victim provision, and — save for offences the Code treats as having no statute of limitation — a statute-of-limitation clause fixing the period, generally three or six months, within which a complaint must be filed.

3.1 Chapter 1 — Offences Against the State (Sections 49–59)

This chapter protects the sovereignty, integrity, constitutional order and leadership of the Nepali State. Section 49 prohibits acts undermining the independence, sovereignty, or geographical or territorial integrity of Nepal, or acts intended to sever any part of Nepal's territory. Section 50 defines and prohibits sedition. Section 51 prohibits acts against

the national interest more broadly. Section 52 prohibits genocide, aligning Nepali domestic law with international norms against acts intended to destroy, in whole or in part, a national, ethnic, racial or religious group. Section 53 prohibits waging war against Nepal, or rendering assistance to the armed forces of a State at war with Nepal, while Section 54 separately prohibits waging war or fomenting insurrection against a friendly State from Nepali territory — the extra-territorial jurisdiction rule in Section 2 expressly carves this section out of its normal reach. Section 55 prohibits inciting or provoking the Nepal Army or Nepal Police to mutiny or disobedience. Sections 57 and 58 protect the person of the President and the institutional integrity of Parliament, prohibiting assault on the President and prohibiting intimidation of the President or of Parliament. Section 59 fixes the statute of limitation applicable to offences under this chapter. Given the gravity of these offences — several carry sentences at the highest end of the Code's punishment scale, including life imprisonment — this chapter should be treated with particular caution in any advisory context touching political expression, protest, or security-related conduct, and counsel should always cross-check the constitutional guarantee of free expression against the specific, narrowly drawn prohibitions in this chapter. As a practical matter, the boundary between lawful political criticism and an offence under Sections 49 through 51 is heavily fact-dependent and frequently contested; Adalat Lawyers' approach in any such matter is to obtain the precise words, images, or acts alleged in full and unedited form at the earliest opportunity, since prosecutions of this kind often turn on nuances of language and context that are easily lost in summary or paraphrased accounts provided second-hand by a client or witness.

3.2 Chapter 2 — Offences Against Public Tranquility (Sections 60-74)

This chapter penalizes conduct that disturbs public order and peace. Section 60 prohibits participation in an unlawful assembly, and Section 61 prohibits breaching an order lawfully issued to disperse or prevent such an assembly. Section 62 provides that every member of an unlawful assembly is deemed to have committed the underlying offence, extending collective liability to participants rather than only ringleaders. Section 64 prohibits abetting rioting, and Section 65 more broadly prohibits acts prejudicial to public tranquility. Sections 66 through 69 create a cluster of offences protecting the ordinary functioning of public life and public authority: obstructing a public servant in the discharge of duty, obstructing movement in a public place, obstructing public services, and violating a curfew order. Section 71 prohibits providing a house, land, or vehicle to facilitate a breach of the peace, Section 72 prohibits holding a torch procession in a sensitive public area, and Section 73 prohibits destroying or damaging essential commodities. This chapter is frequently invoked in connection with protests, strikes (bandh), and public demonstrations, and its provisions should be read carefully alongside the constitutional right to peaceful assembly when advising clients involved in political or civic activity. In advising organizers of a planned assembly, march, or demonstration, counsel should distinguish clearly between the underlying right to assemble peacefully and the specific, narrower prohibitions in this chapter — an assembly does not become "unlawful" under Section 60 merely because it is inconvenient or unpopular, and the practical focus of advance

advice should be on ensuring compliance with any lawful dispersal order under Section 61 and avoiding the specific obstructive conduct addressed in Sections 66 through 69, rather than treating the mere holding of an assembly as inherently risky.

3.3 Chapter 3 — Offences Relating to Contempt of Authority of Public Servants (Sections 75-88)

This chapter protects the machinery of legal process itself. Section 75 prohibits obstructing the service of a summons, process, arrest warrant, notice, or order. Section 76 prohibits refusing to receive, or wrongfully returning, such a document, while Section 78 prohibits tearing out or removing a duly affixed summons or process, and Section 79 prohibits serving process in a false or fraudulent manner. Sections 81 and 82 address the swearing of oaths: Section 81 prohibits making a false statement while under oath, and Section 82 prohibits an unjustified refusal to take an oath when lawfully required. Section 84 prohibits giving false information to a public authority, Section 85 prohibits obstructing a public servant, and Section 86 prohibits refusing to render lawfully required assistance to a public servant. Section 87 prohibits disobedience to a lawful order issued by competent authority, and Section 88 fixes the applicable statute of limitation. Because many of these provisions overlap functionally with offences against the administration of justice discussed below, counsel should carefully identify which specific provision most precisely captures a client's conduct rather than relying on the chapter title alone. A recurring practical issue under this chapter concerns process servers and court staff who encounter resistance in the field; where a client is themselves a process server, bailiff, or similar officer who has faced obstruction, Sections 75, 76, 78 and 79 together supply the relevant framework for a complaint, whereas a client accused of such obstruction should be advised that a genuine, good-faith dispute about the validity or service of the underlying document is a materially different case from outright refusal or destruction of a validly served document, and the facts should be developed with that distinction in mind.

3.4 Chapter 4 — Offences Relating to Evidence and Administration of Justice (Sections 89-103)

Grouped here (though the chapter heading was not legible in the source scan reviewed) are the Code's core offences against the integrity of investigations, prosecutions and judicial proceedings. Section 89 prohibits fabricating evidence. Section 90 prohibits making or issuing a false certificate, and Section 91 prohibits using such false evidence or certificate. Section 92 prohibits destroying a document relevant to a proceeding, and Section 93 prohibits concealing evidence of an offence. Section 94 prohibits obstructing a person from giving information to authorities, while Section 96 imposes an affirmative obligation on certain persons to give information about the commission of an offence. Section 97

prohibits concealing property or making a fraudulent claim to property to defeat a court order, and Section 98 prohibits making a false complaint with intent to injure or annoy another person — importantly, sub-section (2) fixes the punishment for a false complaint at half the maximum sentence that would have applied to the offence falsely alleged, giving this provision real deterrent bite, though it does not apply where the Government of Nepal itself is the complainant. Section 99 prohibits an investigating or prosecuting authority from conducting an investigation or prosecution maliciously, whether to implicate an innocent person or shield the true offender. Section 100 penalizes failure to appear in violation of the terms of a bail or personal guarantee, with an enhanced consequence where the person is subsequently convicted of the underlying charge, and a separate fine exposure for the guarantor. Sections 101 and 102 address obstruction of a lawful arrest, escape from custody, and the rescue of a detained person from custody, with an aggravated (doubled) sentence where the offender is himself or herself a public servant. Section 103 sets the statute of limitation, notably providing no limitation period at all for offences under Sections 101 and 102. This chapter is of particular importance to Adalat Lawyers' litigation practice because its provisions are engaged not only as primary offences in their own right but also as secondary considerations in almost every other criminal matter the firm handles — a client involved in any underlying dispute should routinely be cautioned, at the outset of the engagement, against destroying documents, concealing evidence, or making a false statement in connection with the matter, since doing so risks converting a single-issue case into a multi-charge prosecution under this chapter as well.

3.5 Chapter 5 — Offences Against Public Interest, Health, Safety, Convenience and Morals (Sections 104-128)

One of the broadest chapters in the Code, this grouping protects public health, safety, decency and the orderly functioning of markets and public life. Section 104 prohibits spreading an infectious disease, and Section 105 specifically prohibits transmitting HIV, with Section 106 prohibiting violation of laws relating to communicable disease more generally. Sections 108 through 110 protect consumers: prohibiting the sale or distribution of food or other goods by misrepresentation, and prohibiting the hoarding of consumable goods intended for sale — a provision of particular relevance during shortages or emergencies. Sections 111 through 117 address environmental and public-safety matters: fouling water, polluting the environment, causing danger or obstruction in a public way, river, or place, reckless use of toxic or explosive substances, reckless conduct in constructing, demolishing, or repairing buildings, and reckless conduct with respect to animals and birds, including setting a dangerous animal free. Sections 118 through 124 form a cluster of public-morals offences: indecent conduct, soliciting prostitution, providing premises for prostitution, producing or selling obscene material, exposing sexual organs in public, sexual intercourse in a public place, and public nuisance generally. Section 125 prohibits gambling and betting, and Section 126 prohibits begging or causing another to beg, subject to whatever exceptions are recognized under the Act and related regulations for persons in genuine need. Section 127

provides for compensation to a victim harmed by any offence under the chapter, and Section 128 fixes the statute of limitation. This chapter is regularly invoked in regulatory and public-order enforcement and should be distinguished carefully from parallel obligations arising under specialized public-health, environment, or consumer-protection legislation, which under Section 5 of Part 1 may take precedence for specific conduct. In practice, this chapter is one of the most frequently engaged by businesses and institutional clients rather than individual defendants: food and beverage producers, pharmaceutical distributors, construction firms, and hospitality operators should each be advised, as a matter of routine compliance counselling, on the specific prohibitions in Sections 108 through 117 that most closely track their operations, since regulatory inspections and consumer complaints in Nepal frequently proceed to criminal complaint under this chapter rather than remaining purely administrative matters.

3.6 Chapter 6 — Offences Relating to Arms and Ammunition (Sections 129-137)

This chapter regulates the manufacture, acquisition, possession and transaction of weapons. Section 129 prohibits manufacturing or repairing arms without a licence, or contrary to licence conditions. Section 131 prohibits acquiring specified categories of arms without authorization, and Section 132 prohibits retaining or carrying arms without a licence. Section 133 imposes a record-keeping obligation on licensed dealers in arms and ammunition. Of particular gravity, Section 134 prohibits the production or transaction of nuclear, chemical, biological (bacteriological), or toxin weapons — aligning Nepali domestic criminal law with international non-proliferation norms and carrying correspondingly severe punishment. Section 136 provides for compensation, and Section 137 fixes the statute of limitation for offences under the chapter. Given the licensing-based structure of this chapter, the threshold question in almost every arms-related instruction is a documentary one — whether a valid licence existed and whether its terms were observed — making early retrieval of licensing records from the client a priority step, well before any substantive defense strategy is formulated.

3.7 Chapter 7 — Offences Relating to Explosives (Sections 138-146)

Complementing the preceding chapter, this chapter regulates explosive substances specifically. Section 138 prohibits producing explosives without a licence or in violation of licence terms, and Section 139 prohibits transacting in explosives without authorization. Section 140 prohibits making or using artificial (improvised) explosives, and Section 141 separately and specifically prohibits making landmines or laying explosive devices — a provision of obvious significance in the post-conflict Nepali context. Section 142 imposes record-keeping obligations on lawful producers and dealers, and Section 143 imposes a duty of care in the importation, transport, and storage of explosives. Section 144 provides for the forfeiture of movable or immovable property connected with the offence, Section 145 provides for

compensation, and Section 146 fixes the statute of limitation. As with the arms chapter, licensing status is generally the decisive threshold fact, and counsel should also be alert to the possibility that explosives-related conduct may overlap with the offences-against-the-State chapter (for example, where an explosive device is used or intended for use against government infrastructure or officials), in which case the more severe provisions of Chapter 1 of Part 2 may also be engaged and should be assessed in parallel.

3.8 Chapter 8 — Offences Against National and Public Heritages (Sections 147-154)

This chapter protects government and community assets and Nepal's national symbols. Section 147 prohibits an individual from obtaining ownership of public buildings or land without prior governmental approval. Section 148 prohibits individual ownership of public heritage sites, and Section 149 prohibits encroachment on natural heritage. Section 150 prohibits unauthorized possession or destruction of public physical infrastructure. Section 151 prohibits dishonoring or destroying the national anthem, national flag, or national coat-of-arms, and Section 152 prohibits insulting a national figure or hero designated by the Government of Nepal, or damaging a statue, monument, or memorial dedicated to such a figure — subject to a statutory proviso protecting good-faith academic study, research, or evaluation of that figure's life from criminal liability. Section 153 provides for compensation, and Section 154 fixes distinct statute-of-limitation rules — notably providing no limitation period at all for offences under Sections 147, 148, and 149, reflecting the continuing and often irreversible nature of harm to public heritage.

3.9 Chapter 9 — Offences Relating to Religion (Sections 155-159)

This chapter protects religious sentiment and practice while carefully balancing that protection against the right to propagate one's own faith. Section 155 prohibits injuring, defiling, or destroying a place of religious worship or a sacred site. Section 156 prohibits outraging the religious feelings of any class of persons. Section 158 — one of the more legally and politically sensitive provisions in the entire Code — prohibits proselytizing, i.e., converting or attempting to convert another person from one religion to another, or propagating religion in a manner intended to undermine another person's religion. Section 159 fixes the statute of limitation. Given the constitutional protection for freedom of religion and conscience under Article 26 of the Constitution of Nepal, and the continuing public and international discussion surrounding Section 158 in particular, this provision warrants particularly careful, case-specific legal advice. Because Section 158 sits at the intersection of constitutional rights and criminal prohibition, and because its application has attracted sustained domestic and international commentary, Adalat Lawyers' practice in any matter touching this section is to obtain a complete and precise account of the specific conduct alleged — including the exact words used and the

context in which they were said — before offering any preliminary view, rather than relying on a general description of "preaching" or "conversion" activity, which in isolation reveals little about whether the statutory threshold has in fact been met.

3.10 Offences Relating to Discrimination, Forced Labour and Torture (Sections 160–170)

This grouping of provisions — appearing after the religion chapter and before the marriage chapter — protects human dignity and equality and prohibits some of the gravest violations of physical integrity recognized by the Code. Section 160 prohibits discriminatory treatment generally, and Section 161 specifically prohibits discrimination in the sale or distribution of goods or services on grounds of caste, race, or community, subject to a proviso permitting affirmative measures approved by competent authority for the benefit of an economically, socially, or educationally disadvantaged class. Section 162 prohibits forced labour, subject to a carve-out for lawful public-works labour obligations. Section 163 prohibits slavery or servitude in any form, and Section 164 prohibits serfdom or debt-bonded labour — provisions carrying enhanced sentencing (five to ten years' imprisonment and a substantial fine) reflecting the gravity of these offences. Section 165 prohibits undermining lawful social rites and rituals, and Section 166 prohibits untouchability or discriminatory treatment based on caste — a constitutionally central prohibition in the Nepali context. Section 167 prohibits torture, defined expansively through an explanation clause to cover the intentional infliction of physical or mental pain on a person under arrest, custody, detention, imprisonment, or preventive detention (or on persons connected to such a person) for the purpose of extracting information, extorting a confession, punishing for an act, intimidating, or any other unlawful purpose; a person who orders torture, or who aids in its commission, is liable to the same sentence as the principal offender, and — critically for the "superior orders" defense — sub-section (4) expressly bars any defense based on the claim that the act was done pursuant to a superior's order. Section 168 separately prohibits degrading or inhuman treatment, expressly including accusing a person of witchcraft, expelling a person from their home on that accusation, or excommunicating a person from society, and expressly prohibits the practice of Chhaupadi (banishing a woman to a shed during menstruation or childbirth) and similar discriminatory or inhuman treatment, with an enhanced sentence where the offender is a public servant. Section 169 provides for compensation to the victim, and Section 170 fixes the statute of limitation, notably providing no limitation period at all for offences under Sections 163 and 164 (slavery and serfdom). This grouping of provisions is, in substance, the Code's human-rights core, and several of its individual sections have particular resonance in Nepal's specific social and historical context: Section 166 operationalizes the constitutional abolition of untouchability at the level of ordinary criminal law; Section 168(3) is a direct legislative response to the continuing, documented practice of Chhaupadi in parts of Nepal; and Section 167's explicit rejection of the superior-orders defense reflects Nepal's obligations under the Convention Against Torture.

Advocates advising public authorities, security agencies, or NGOs working on human-rights compliance should treat this grouping of sections, rather than the offences-against-the-State chapter, as the primary domestic statutory reference point for torture and related ill-treatment.

3.11 Chapter 11 — Offences Relating to Marriage (Sections 171-176)

This chapter regulates the formation of marriage. Section 171 prohibits concluding a marriage without the free consent of the persons being married. Section 172 prohibits marriage within a legally prohibited degree of relationship. Section 173 prohibits child marriage — a provision of central importance given Nepal's ongoing efforts to eliminate the practice. Section 174 prohibits the exchange or transaction of property as a condition of marriage (addressing dowry-related conduct), and Section 175 prohibits bigamy, i.e., concluding a further marriage while a prior marriage subsists. The chapter concludes with the customary compensation and statute-of-limitation provisions found throughout Part 2. Marriage-related instructions are among the most socially sensitive matters the firm handles, and counsel should be alert to the fact that a single family dispute frequently gives rise to overlapping criminal and civil claims simultaneously — for example, a child-marriage complaint under Section 173 may run alongside a civil nullity petition, and a dowry-related complaint under Section 174 may run alongside a claim for restitution of property — such that criminal and family-law strategy should be coordinated from the outset rather than pursued as separate, unrelated workstreams.

3.12 Chapter 12 — Offences Relating to Human Body (Sections 177-187)

This is the Code's homicide chapter and one of the most frequently litigated portions of the statute. Section 177 prohibits intentionally killing another person (homicide/murder), and — importantly — its Explanation clause provides that a person who inflicts serious injury likely to cause death is deemed to have killed the victim even where death occurs only some time after the injury rather than immediately; the punishment is imprisonment for life. Section 178 prohibits doing any act with knowledge or reason to believe it is, in the ordinary course, likely to cause death, and likewise carries a sentence of imprisonment for life if death results. Section 179 addresses partial defenses that reduce murder to a lesser homicide offence: grave and sudden provocation depriving the offender of self-control (subject to provisos excluding provocation lawfully caused, or self-induced provocation), excessive but good-faith exercise of the right of private defense, and death caused instantly in the heat of passion during a sudden quarrel without undue advantage or cruelty — each carrying a materially reduced sentence of ten to fifteen years' imprisonment and a substantial fine, rather than life imprisonment. Section 180 addresses "transferred intent" homicide, punishing an offender who kills a person other than the intended victim. Section 181 prohibits causing death by recklessness, and Section 182 prohibits causing death by negligence — both carrying materially lower sentences than intentional homicide, calibrated to the offender's culpable

state of mind. Section 183 prohibits attempted murder. Section 184 prohibits abandoning a person under one's guardianship in a manner exposing them to danger, and Section 185 prohibits abetting another person's suicide. Section 186 provides for victim compensation, and Section 187 fixes the statute of limitation. In practice, this chapter's careful gradation among intentional murder, provocation/heat-of-passion killings, reckless killing, and negligent killing — each attracting a materially different sentence — is the single most important structural feature for counsel to master when advising on homicide-related exposure or building a defense strategy. When instructed in a homicide matter, Adalat Lawyers' standard practice is to work systematically through this gradation before forming any preliminary view of exposure: first confirming whether the death was intended at all (Section 177) or merely a foreseeable consequence of a dangerous act (Section 178); then testing whether any of the three partial defenses in Section 179 are arguable on the facts, since a successful plea under that section can reduce exposure from life imprisonment to a fixed term; then considering whether the case is properly one of recklessness or negligence under Sections 181–182 rather than intentional killing at all; and only then turning to aggravating and mitigating factors under Part 1 to refine the likely sentence within whichever range applies. Because Section 26 categorically forecloses any right to cause death in the exercise of private defense, a private-defense argument in a homicide matter can, at most, support a Section 179(b) partial-defense plea for excessive force — it cannot operate as a complete defense once death has resulted, and clients should be advised of this distinction clearly and early, since it is frequently a source of misunderstanding.

3.13 Chapter 13 — Offences Against Protection of Pregnancy (Sections 188–190)

Section 188 prohibits abortion save in the circumstances defined in Section 189, which sets out the lawful grounds on which abortion may be performed (generally including gestational-age limits, medical necessity, risk to the life or health of the pregnant woman, fetal abnormality, and pregnancy resulting from rape or incest, consistent with Nepal's broader reproductive-health legislation). Section 190 fixes the statute of limitation. This chapter must always be read together with Nepal's specific reproductive health and safe-motherhood legislation, which supplies the detailed procedural and medical conditions referenced in Section 189. Because abortion is lawful only within the specific parameters fixed by Section 189 and related sector legislation, counsel advising a medical provider or a woman seeking or having sought an abortion should verify the precise gestational-age and procedural requirements in force at the relevant time, since these details are supplied largely outside this Code and are the kind of detail most likely to have been updated by subsequent regulation.

3.14 Chapter 14 — Offences Relating to Hurt or Grievous Hurt (Sections 191-199)

Section 191 prohibits causing hurt to another person, and Section 192 prohibits causing grievous hurt — a more serious category generally involving permanent injury, disfigurement, or danger to life, with a correspondingly enhanced sentence. Section 194 provides a partial-defense sentencing reduction for hurt or grievous hurt caused by grave provocation or in the heat of passion, mirroring the structure of the homicide chapter. Section 195 prohibits causing hurt or grievous hurt through recklessness or negligence. Section 196 prohibits the use of criminal force against another person. The chapter concludes with the standard compensation provision (Section 198) and statute of limitation (Section 199). Because Sections 191 and 192 do not themselves enumerate a rigid punishment scale in the extract reviewed, and because the line between "hurt" and "grievous hurt" is a question of medical and factual degree rather than a bright statutory line, counsel in a contested hurt matter should prioritize obtaining a clear, contemporaneous medical report describing the nature, permanence, and severity of the injury, since this evidence will very often be the decisive factor in determining which of the two categories — and which corresponding sentencing range — properly applies.

3.15 Chapter 15 — Offences Relating to Unlawful Detention (Sections 200-205)

Section 200 prohibits maliciously subjecting another person to detention otherwise than in accordance with law. Section 201 imposes an affirmative obligation to provide minimum humane facilities to any person held in detention, and Section 203 separately and specifically prohibits secret detention — a provision of particular importance in light of Nepal's post-conflict transitional-justice history. Section 204 provides for compensation, and Section 205 fixes the statute of limitation. Instructions under this chapter commonly arise in the context of employer-employee disputes (unauthorized confinement of domestic or migrant workers), family disputes (confinement of a relative, frequently a woman or an elderly family member), and disputes with private security personnel; in each case, Section 201's affirmative humane-treatment obligation provides an independent basis for complaint even where the initial detention might otherwise have had some lawful color, since inhumane conditions during an otherwise arguably lawful detention can themselves constitute the offence.

3.16 Chapter 16 — Offences Relating to Enforced Disappearance (Sections 206-210)

Section 206 prohibits subjecting any person to enforced disappearance — one of the gravest human-rights violations recognized anywhere in comparative criminal law, and a provision of central significance to Nepal's transitional-justice

process arising from the 1996–2006 armed conflict. Section 207 provides for the forfeiture of property connected with the offence, Section 208 confirms the victim's entitlement to compensation, Section 209 provides for the return of any property taken in connection with the offence, and Section 210 fixes the statute of limitation. Any matter touching on enforced disappearance should be cross-checked against Nepal's Truth and Reconciliation Commission framework and specialized transitional-justice legislation, given the overlapping — and at times contested — jurisdictional questions between ordinary criminal process and transitional-justice mechanisms. Because many enforced-disappearance allegations in Nepal arise from the 1996–2006 conflict period and therefore predate the Code's own commencement in 2018, counsel should also carefully consider the applicable temporal-jurisdiction rules and any specific savings or transitional provisions bearing on the prosecution of conflict-era conduct under this Code, rather than assuming the Code applies retrospectively as a matter of course.

3.17 Chapter 17 — Offences Relating to Kidnapping or Taking of Hostages (Sections 211–218)

Section 211 prohibits kidnapping, defined to include taking control of a vehicle in which a person is travelling, or taking a person by force without consent, or taking a child, a person under another's protective care due to physical incapacity, or a person of unsound mind, without the consent of a parent or guardian or by misrepresentation. Section 212 prohibits hostage-taking, defined broadly to capture seizure or detention achieved by force, threat, fraud, deception, coercion, intimidation, the showing (or concealment) of weapons, misrepresentation, the administration of narcotics or alcohol, or the seizure of a vehicle or premises — subject to a proviso excluding good-faith, consented placement of a person of unsound mind under supervised care for treatment purposes. Section 213 fixes a graduated punishment: seven to ten years' imprisonment and a fine of seventy-five thousand to one hundred thousand rupees where the kidnapping or hostage-taking is done with intent to cause death, cause hurt, commit rape or unnatural sexual intercourse, traffic or enslave the victim, subject the victim to forced labour or prostitution, torture the victim, compel any act, or obtain ransom; and a lower range of three to five years' imprisonment and a fine of thirty thousand to fifty thousand rupees for kidnapping or hostage-taking for any other purpose. Section 214 imposes an additional, cumulative sentence where a person is first kidnapped and then separately taken hostage. Section 215 extends liability on the same basis to a person who abets, orders, attempts, conspires in, or is an accomplice to kidnapping or hostage-taking. Section 216 allows a sentencing reduction where the offender voluntarily surrenders, and Section 217 confirms the victim's entitlement to compensation. Section 218 fixes the statute of limitation. In practice, the purpose-based bifurcation in Section 213 is the pivotal fact issue in almost every kidnapping instruction: because the higher sentencing band applies only where one of the enumerated aggravating purposes is proved, the prosecution's ability (or the defense's ability to resist) proof of purpose — as distinct from mere proof that a kidnapping occurred — very often determines the ultimate sentencing

exposure by a margin of several years, and should be the central evidentiary focus from the earliest stage of the matter.

3.18 Chapter 18 — Sexual Offences (Sections 219-229)

This is one of the most substantively significant and frequently litigated chapters of the Code. Section 219 prohibits rape, defining the offence to occur where a man has sexual intercourse with a woman without her consent, or with a girl under eighteen years of age even with her ostensible consent — the age of consent being fixed, for this purpose, at eighteen. The Explanation clause specifies that consent obtained through coercion, undue influence, intimidation, threat, misrepresentation, kidnapping or hostage-taking, or from a person of unsound mind, is not valid consent, and that penetration of the penis into the anus, mouth, or vagina to any extent, or insertion of any object other than the penis into the vagina, all constitute rape. Punishment is graduated strictly by the victim's age: sixteen to twenty years' imprisonment where the victim is under ten years of age; fourteen to sixteen years where she is ten or above but under fourteen; twelve to fourteen years where she is fourteen or above but under sixteen; ten to twelve years where she is sixteen or above but under eighteen; and seven to ten years where she is eighteen or above. Marital rape is separately addressed: where a husband rapes his wife during a subsisting marital relationship, the sentence is a maximum of five years — although the Code specifies that a marital relationship will not be treated as "subsisting" for this purpose once a partition case has been instituted between the spouses, once the wife has taken her separate share and is living apart, or once divorce proceedings have been instituted; and the court is empowered, on the victim's petition, to order the husband to permit her to continue residing in the shared home with proper maintenance, to provide for her medical treatment, or to arrange separate accommodation and maintenance where continued cohabitation is inappropriate. Section 220 prohibits incest. Section 221 prohibits sexual intercourse with a person held in detention by the offender or under the offender's authority — a custodial-abuse provision. Section 222 prohibits sexual intercourse with a person under the offender's own protection or security, and Section 223 prohibits sexual intercourse with a person in the offender's office or while providing the person professional services — both provisions addressing abuse of positions of trust or authority. Section 224 prohibits sexual harassment. Section 225 prohibits child sexual abuse, treated as a distinct and aggravated offence from rape of a minor. Section 227 prohibits bestiality. Section 228 provides for victim compensation. Given the severity of the penalties involved and the sensitivity of the subject matter, this chapter demands the most rigorous factual and evidentiary preparation of any part of the Code, and counsel — whether acting for a complainant or an accused — should pay close attention to the precise statutory definition of consent under Section 20 of Part 1, read together with the age-based and relationship-based provisions of this chapter. Three features of this chapter are worth flagging specifically for client advisory purposes. First, the age-graduated sentencing structure in Section 219(3) means that the single most consequential factual question in any rape matter is frequently the precise, documented age of the victim at the time of the offence, since it can shift the applicable minimum sentence by many

years; birth registration, school records, and medical age-assessment evidence should be secured at the earliest possible stage. Second, the statutory age of consent is fixed at eighteen regardless of the victim's own purported agreement, so a defense premised on the victim's consent is simply unavailable where she is under eighteen — a point that must be communicated clearly to clients who may not appreciate this distinction. Third, the marital-rape provision under Section 219(4) is a comparatively recent and still-evolving feature of Nepali law, carries a markedly lower maximum sentence than non-marital rape, and turns on a fact-specific inquiry into whether the marital relationship should be treated as subsisting under the exceptions listed in the proviso; counsel advising a spouse in a marital-rape matter should investigate the status of any partition, separate-maintenance, or divorce proceedings between the parties as a threshold matter.

3.19 Chapter 19 — Offence Relating to Medical Treatment (Sections 230-240)

Section 230 prohibits a person from conducting medical treatment without having obtained the licence required by their educational qualification — targeting unqualified or unlicensed practice of medicine. Section 231 prohibits conducting medical treatment maliciously, and Section 232 prohibits conducting medical treatment recklessly or negligently — the latter two provisions together forming the statutory basis for criminal medical-negligence liability in Nepal, to be read alongside the civil and professional-disciplinary regimes administered by the Nepal Medical Council and related bodies. Section 233 prohibits carrying out an experiment on the human body without the subject's consent, reflecting core medical-ethics and human-subjects-research norms. Sections 234 through 236 regulate pharmaceuticals: prohibiting the sale of dangerous drugs, prohibiting the adulteration of drugs or the sale of adulterated drugs, and prohibiting the sale or distribution of date-expired drugs or drugs sold without the precautions required by law. Section 238 prohibits giving a false medical report. Section 239 provides for compensation, and Section 240 fixes the statute of limitation. Given the increasing prevalence of both formal medical-negligence claims and informal accusations against practitioners and pharmacies in Nepal, this chapter is of growing practical relevance; counsel representing a medical or pharmaceutical client should ensure that professional-indemnity insurance, contemporaneous clinical records, and any relevant Nepal Medical Council registration and licensing documentation are secured and preserved immediately upon receiving instructions, since these materials are frequently the difference between a defensible standard-of-care argument and an unsupported denial.

3.20 Chapter 20 — Offences Relating to Theft and Robbery (Sections 241-248)

Section 241 defines and prohibits theft — the dishonest taking of another person's property from their possession, custody, or control, without consent, with intent to own, use, or enjoy it — clarifying that the consent of a child under

eighteen or a person of unsound mind does not amount to valid consent for this purpose. Section 242 fixes a graduated punishment structure: an enhanced sentence of two to seven years' imprisonment and a fine of twenty thousand to seventy thousand rupees applies where the theft is of government, public, or religious property; is committed by first administering liquor or narcotics or otherwise rendering the victim unconscious; takes advantage of an earthquake, fire, flood, riot, or similar crisis or accident; is of property belonging to one's own employer or the office one serves; or is committed on a vehicle used to carry passengers or goods — while ordinary theft outside these aggravating circumstances carries a lower maximum of three years' imprisonment and a fine of up to thirty thousand rupees. Section 243 defines and prohibits burglary (Nakabajani) — theft accomplished, or an escape following theft accomplished, by breaking into or out of a house other than through its main entrance. Section 245 prohibits moving about while carrying tools intended for use in committing theft, and Section 246 prohibits pickpocketing as a distinct aggravated form of theft. Section 247 provides for recovery of the claimed (stolen) amount to the victim, and Section 248 fixes the statute of limitation. Although the chapter title refers to "Robbery," the extracted provisions available for this summary address theft, burglary, and pickpocketing specifically; counsel should verify the precise robbery-specific provision (typically involving theft accompanied by force or the threat of force) against the authoritative statutory text and any relevant amendment before advising in a robbery matter. For advisory purposes, the practical significance of Section 242's list of aggravating circumstances cannot be overstated: because ordinary theft is capped at three years' imprisonment while aggravated theft under any of the five listed circumstances can reach seven years, the very first question in any theft instruction should be whether any of those five circumstances — government or religious property, incapacitation of the victim, exploitation of a crisis, theft from one's own employer, or theft from a passenger vehicle — is present on the facts, since this single determination can more than double the client's sentencing exposure.

3.21 Chapter 21 — Offences Relating to Cheating, Criminal Breach of Trust and Extortion (Sections 249-255)

Section 249 prohibits cheating (deceiving another person to their detriment for the offender's benefit). Section 250 prohibits causing an artificial difference in a bid or contract price, a provision directly relevant to procurement and tendering misconduct. Section 251 prohibits criminal misappropriation of property, and Section 252 prohibits criminal breach of trust — the dishonest misapplication of property entrusted to the offender, a provision of central importance in fiduciary, employment, and agency relationships. Section 253 prohibits extortion. Section 254 provides for compensation, and Section 255 fixes the statute of limitation. These provisions form the backbone of the firm's commercial-fraud practice, and the distinctions among them are frequently outcome-determinative: cheating under Section 249 requires deception inducing the victim's own detrimental act, criminal breach of trust under Section 252 requires a pre-existing entrustment relationship that is later abused, and extortion under Section 253 requires the use of

threat or coercion to obtain property or an advantage — three analytically distinct wrongs that are nonetheless commonly conflated in lay descriptions of a "fraud," making precise characterization of the client's factual account, at the earliest possible stage, essential to correctly framing either a complaint or a defense.

3.22 Chapter 22 — Offences Relating to Currency (Sections 256-266)

This chapter protects the integrity of Nepal's currency. Section 256 prohibits counterfeiting currency, and Section 257 prohibits using counterfeit currency. Section 258 prohibits making, possessing, or repairing instruments used to counterfeit currency, and Section 259 prohibits making currency contrary to prescribed standards. Section 260 prohibits taking currency-making instruments outside authorized custody, and Section 261 prohibits diminishing the weight of, or otherwise altering, currency. Section 262 prohibits bringing prohibited currency into circulation, and Section 263 prohibits burning, tearing, melting, or writing on banknotes or coins. Section 264 prohibits the fraudulent use of torn or damaged banknotes. Section 265 provides for forfeiture of relevant property, and Section 266 fixes the statute of limitation. Currency offences are generally investigated and prosecuted with the close involvement of Nepal Rastra Bank and specialized police units, and a client who is merely an innocent recipient of counterfeit currency in the ordinary course of business — as opposed to a knowing participant in counterfeiting or knowing use — should be advised at the outset that the mental element of knowledge or intent is central to liability under most sections of this chapter, and that cooperation with the investigating authority to trace the true source of the counterfeit item is generally the most effective way to establish the client's innocent status.

3.23 Chapter 23 — Offences Relating to Stamps (Sections 267-272)

Section 267 prohibits counterfeiting revenue or postal stamps, or using counterfeit stamps as genuine. Section 268 prohibits purchasing, selling, or repairing instruments used to counterfeit stamps. Section 269 prohibits re-using a stamp that has already been used, and Section 270 prohibits removing a used stamp from a public document for re-use. Section 271 provides for forfeiture, and Section 272 fixes the statute of limitation.

3.24 Chapter 24 — Offences Relating to Weights and Measures (Sections 273-275)

Section 273 prohibits making or using a false instrument for weighing, measuring, or determining quality standards, and Section 274 prohibits the fraudulent use of an otherwise accurate weighing, measuring, or quality-standard instrument for a dishonest purpose. Section 275 fixes the statute of limitation. This chapter is regularly relevant to consumer-

protection and trade-standards enforcement.

3.25 Chapter 25 — Offences Relating to Documents (Sections 276–283)

Section 276 prohibits forgery — the making of a false document or the false alteration of a genuine one — and Section 277 prohibits possessing or using a forged document as though it were genuine. Section 278 prohibits making an instrument specifically designed to produce forged documents. Section 279 prohibits committing fraud, and Section 280 prohibits using a fraudulent document as genuine. Section 281 extends liability on an accomplice basis to those who assist in these offences. Section 282 provides for victim compensation, and Section 283 fixes the statute of limitation. This chapter is among the most frequently invoked in commercial and property litigation, given its direct relevance to disputed contracts, land documents, and financial instruments. Land and property disputes in Nepal frequently combine a civil title dispute with a parallel criminal forgery complaint under this chapter, and Adalat Lawyers' standard approach in such matters is to pursue both tracks in a coordinated manner — using the criminal investigation's document-examination and handwriting-analysis powers, where available, to strengthen the evidentiary record in the parallel civil title proceeding, and vice versa — rather than treating the two proceedings as unrelated.

3.26 Chapter 26 — Offences Relating to Criminal Trespass and Criminal Mischief (Sections 284–288)

Section 284 prohibits criminal trespass onto another person's property. Section 285 prohibits criminal mischief — causing wrongful loss or damage to another's property. Section 286 prohibits larceny by looting, generally addressing opportunistic mass appropriation of property during disorder or crisis. Section 287 prohibits knowingly acquiring property that has been obtained through the commission of an offence — the domestic equivalent of receiving stolen property. Section 288 fixes the statute of limitation.

3.27 Chapter 27 — Offences Relating to Animals and Birds (Sections 289–292)

Section 289 prohibits killing or beating cows or oxen — reflecting the constitutional and cultural status of cattle in Nepal. Section 290 prohibits cruel treatment of animals and birds more generally, and Section 291 prohibits killing animals or birds in a public place. Section 292 fixes the statute of limitation. This chapter reflects Nepal's specific constitutional and cultural protections for cattle under Section 289 in particular, and clients in the agriculture, transport, and animal-husbandry sectors should be made aware of its existence as a distinct source of potential exposure separate from ordinary property or negligence law, since conduct that might in another jurisdiction sound only in animal-welfare regulation can, under this chapter, constitute a criminal offence in Nepal.

4. Part 3 — Offences Against Individual Privacy and Prestige

4.1 Chapter 1 — Offences Against Privacy (Sections 293-304)

Section 293 prohibits using a mechanical device to listen to or record a conversation between two or more persons without consent. Section 294 prohibits divulging a confidential matter. Section 296 prohibits giving or selling another person's photograph without their consent. Section 297 prohibits opening another person's letters or tapping their telephone conversations, and Section 298 — reflecting the modern context in which the Code was drafted — prohibits breaching privacy through electronic means. Section 299 prohibits deceitfully making telephone calls or transmitting messages, and Section 300 prohibits writing letters with the dishonest intention of causing annoyance. Section 301 prohibits the unauthorized search of another person's body, and Section 302 prohibits unauthorized entry into another's residence. Section 303 provides for compensation, and Section 304 fixes the statute of limitation. This chapter has taken on increasing practical significance with the proliferation of smartphones, social media, and digital communication, and Section 298 in particular should be considered whenever advising on unauthorized recording, hacking, or the non-consensual sharing of private digital content. Given the pace at which digital-privacy fact patterns evolve — spyware installed on a spouse's phone, unauthorized access to a former partner's social-media account, or covert workplace surveillance, to name only a few recurring examples the firm encounters — this chapter should generally be read together with Nepal's specific electronic transactions and cybercrime legislation, which may supply additional or more specialized offences and investigative powers not found in this Code, consistent with the special-legislation principle noted in Section 5 of Part 1.

4.2 Chapter 2 — Offence Relating to Defamation (Sections 305-308)

This chapter separates the two traditional categories of defamation. Section 305 prohibits slander — using degrading spoken words with the intention of lowering another person's reputation, punishable by up to one year's imprisonment or a fine of up to ten thousand rupees, or both. Section 306 prohibits libel — damaging a person's character through writing, conduct, signs, visible representation, or publicity in a manner that lowers their reputation in the estimation of others, including imputations against a deceased person made to hurt the feelings of surviving family, and imputations made ironically or by insinuation. Sub-section (3) of Section 306 sets out a carefully constructed set of defenses that prevent legitimate speech from being treated as libel: truthful statements published for the public good together with supporting

evidence; good-faith and decent commentary on a public servant's discharge of public duties; good-faith opinion on the conduct of a public office-holder; good-faith and decent criticism of a public performance submitted for public opinion; good-faith censure by a person exercising lawful or contractually conferred authority over another; lawful investigation of, or accusation regarding, an offence; and good-faith cautionary statements made for the benefit of the person cautioned, a third party, or the public. Section 307 fixes the punishment for libel at up to two years' imprisonment or a fine of up to twenty thousand rupees, or both, with an additional sentence of up to one year's imprisonment or a fine of up to ten thousand rupees where the libel is committed through electronic or other mass-communication means — a meaningful enhancement directly relevant to online defamation. Section 307(2) further empowers the court to order compensation to the victim (or, in the case of a deceased victim, to the near successor whose feelings were hurt) having regard to the gravity of the offence, the effect on reputation, and whether electronic or mass media was used, together with litigation costs. Section 308 fixes the statute of limitation at three months from the date of knowledge of the offence. This chapter is one of the most commercially and reputationally significant in the entire Code for clients operating media outlets, publishing platforms, or social-media presences, and the good-faith defenses under Section 306(3) should be the starting point of any defamation defense strategy. For a media or publishing client facing a threatened or actual defamation complaint, Adalat Lawyers' practice is to work through the Section 306(3) defenses systematically and in writing before advising on settlement or retraction — starting with truth-plus-public-interest, then good-faith comment on public officials or public performances, then honest opinion — since a well-documented good-faith basis for a published statement, established contemporaneously with publication rather than reconstructed afterward, is generally the most powerful protection available under Nepali law. For a client considering bringing a defamation complaint, by contrast, the priority is to preserve the original publication (screenshots, broadcast recordings, or printed copies, together with metadata establishing the date, author, and reach of the publication) immediately upon discovery, given both the short three-month limitation period under Section 308 and the practical reality that online content is easily deleted or altered after the fact.

5. Sentencing Ranges at a Glance for Commonly Instructed Offences

The following consolidated list draws together the specific sentencing figures discussed above for the offences most frequently the subject of instructions to Adalat Lawyers, so that a rough initial exposure assessment can be given to a client at a first meeting, subject always to full verification against the file and the current statutory text before any formal advice is confirmed in writing.

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- **Intentional homicide (Section 177):** imprisonment for life.
 - **Homicide by an act known to be likely to cause death (Section 178):** imprisonment for life.
 - **Homicide by grave provocation, excessive private defense, or heat of passion (Section 179):** ten to fifteen years' imprisonment and a fine of one hundred thousand to one hundred fifty thousand rupees.
 - **Rape of a girl under ten (Section 219(3)(a)):** sixteen to twenty years' imprisonment.
 - **Rape of a victim eighteen or above (Section 219(3)(e)):** seven to ten years' imprisonment.
 - **Marital rape during a subsisting marriage (Section 219(4)):** up to five years' imprisonment.
 - **Kidnapping or hostage-taking for an aggravated purpose (Section 213):** seven to ten years' imprisonment and a fine of seventy-five thousand to one hundred thousand rupees.
 - **Kidnapping or hostage-taking for any other purpose (Section 213):** three to five years' imprisonment and a fine of thirty thousand to fifty thousand rupees.
 - **Slavery or servitude (Section 163):** five to ten years' imprisonment and a fine of fifty thousand to one hundred thousand rupees.
 - **Torture (Section 167):** up to five years' imprisonment or a fine of up to fifty thousand rupees, or both.
 - **Degrading or inhuman treatment, including Chhaupadi (Section 168):** up to five years' imprisonment and a fine of up to fifty thousand rupees for the general offence; up to three months' imprisonment or a fine of up to three thousand rupees, or both, for the specific Chhaupadi-related offence under sub-section (3).
 - **Aggravated theft (Section 242(1)):** two to seven years' imprisonment and a fine of twenty thousand to seventy thousand rupees.
 - **Ordinary theft (Section 242(2)):** up to three years' imprisonment and a fine of up to thirty thousand rupees.
 - **Libel (Section 307):** up to two years' imprisonment or a fine of up to twenty thousand rupees, or both, with an additional term of up to one year or a fine of up to ten thousand rupees where committed electronically.
 - **Slander (Section 305):** up to one year's imprisonment or a fine of up to ten thousand rupees, or both.

This list is necessarily illustrative rather than exhaustive, and it deliberately omits the many offences in the Code for which the punishment depends heavily on case-specific aggravating circumstances that cannot usefully be reduced to a single figure — most notably grievous hurt, forgery, extortion, and the various discrete offences within the public-

tranquility, evidence-tampering, and currency chapters. For any offence not listed here, counsel should return to the relevant chapter discussion above and, ultimately, to the text of the specific section itself.

6. Practical Notes for Client Advisory Work

Several cross-cutting features of the Code recur across virtually every chapter of Part 2 and Part 3 and deserve emphasis for client-facing advisory purposes:

- **Statute of limitation.** Almost every chapter closes with its own limitation provision, and the period is generally short — most commonly three or six months from the date of the offence or, where the offence was concealed, from the date of the victim's knowledge of it. Several categories of especially grave offences — including torture-related detention under Sections 163 and 164, offences against public heritage under Sections 147 through 149, and obstruction of arrest or escape from custody under Sections 101 and 102 — are expressly exempted from any limitation period at all. Because a missed limitation period is an absolute bar to a complaint regardless of the merits, this should be the very first matter counsel checks in any new criminal instruction, whether acting for a complainant or an accused.
- **Compensation as a standard remedy.** Nearly every chapter includes a discrete compensation provision entitling the victim to a court-ordered payment from the offender, independent of and in addition to the criminal sentence. Counsel acting for victims should treat this as a routine and expected component of relief to be pleaded in every complaint, and counsel acting for the accused should factor compensation exposure into any settlement or plea discussion.
- **Aggravating and mitigating factors under Sections 38 and 39 of Part 1** govern sentencing within the ranges fixed by each substantive offence and should be affirmatively pleaded — whether to support an enhanced sentence for a client who is a victim, or to argue for the lower end of a sentencing range for a client who is an accused.
- **Graduated sentencing by victim vulnerability, offender status, and method.** A recurring structural feature of the Code — most visible in the sexual offences, kidnapping, theft, and torture chapters — is a sliding scale of punishment tied to the victim's age or vulnerability, the offender's status (particularly where the offender is a public servant), and the method used (for example, the use of electronic means in defamation, or the administration of narcotics in theft or hostage-taking). Correctly identifying which tier of a graduated offence applies to a given fact pattern is frequently the single most consequential step in assessing a client's exposure or a complainant's likely remedy.

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- **The general defenses in Part 1, Chapter 2** — lawful act, mistake of fact, consent, compulsion, necessity, private defense, and de minimis harm — apply across the whole of Part 2 unless a specific chapter excludes them, and should always be tested against the facts of any matter before assuming that a prima facie prohibition in Part 2 results in liability.
 - **Interaction with special legislation.** Section 5 of Part 1 preserves the primacy of special, sector-specific statutes over the general Code for overlapping conduct. Practitioners should always check whether a more specific statute — for example, in relation to human trafficking, narcotic drugs, banking offences, cyber law, children, or anti-corruption — displaces or supplements the general provision of the Code that might otherwise appear to apply.
 - **Compensation is not automatic — it must be pleaded and proved.** Although a compensation provision appears in almost every chapter of Part 2, the amount is generally left to the court's assessment "having regard to" factors such as the gravity of the offence and the harm caused, rather than being fixed by statute. Counsel acting for a victim should therefore treat quantification of loss — medical bills, lost income, cost of repair or replacement, and, in reputational matters, evidence of actual commercial or social harm — as an evidentiary task to be prepared with the same rigor as the underlying criminal case itself, rather than an afterthought to be addressed only once conviction is secured.
 - **Public-servant status as a recurring aggravator.** A clear pattern across the Code is the imposition of an enhanced or additional sentence wherever the offender is a public servant — visible expressly in the torture and inhuman-treatment chapter (Section 168(5)), the obstruction-of-arrest chapter (Section 102(3)), and implicitly through the general aggravating-factors provision in Section 38. Any matter involving a government official, police officer, or other public authority as a potential defendant should be assessed with this recurring enhancement specifically in mind from the outset.
 - **Electronic and mass-media commission as a recurring aggravator.** A second clear modern pattern, most visible in the defamation chapter but echoed in the privacy chapter, is an additional sentence where an offence is committed through electronic or mass-communication means. As client conduct increasingly moves online, counsel should routinely ask, in any offence capable of being committed by speech or publication, whether the relevant communication occurred via social media, messaging platforms, or other electronic means, since this fact alone can materially increase exposure.
 - **Distinguish "no limitation" from "short limitation" precisely.** Because the consequence of the two categories is so different — one preserves a complaint indefinitely, the other extinguishes it after a matter of months — counsel should never rely on a general impression that a chapter has "generous" or "strict" limitation rules, and should

instead confirm the position section-by-section using the consolidated reference in Section 7 below as a starting checklist.

7. Quick-Reference: Statute of Limitation by Chapter

Because a lapsed limitation period is an absolute and immediate bar to a criminal complaint under this Code, it is Adalat Lawyers' standing practice to verify limitation as the very first item on any new-instruction checklist, before any substantive assessment of the merits is undertaken. The table below consolidates the limitation position across Part 2 and Part 3 as summarized in the chapter-by-chapter discussion above, and should be treated as an index into the fuller discussion, not as a substitute for it.

- **No limitation period at all:** offences against the State generally carry heightened or no ordinary limitation treatment given their gravity; obstruction of arrest and escape from custody (Sections 101–102); offences relating to public heritage under Sections 147–149; slavery and serfdom under Sections 163–164; and torture-related complaints under Sections 163–164 read together with Section 170(1) in respect of Sections 163–164 specifically. Enforced disappearance and offences of comparable gravity are, as a matter of general principle and Nepal's international obligations, also generally treated as not subject to ordinary short limitation periods, though the precise domestic procedural position should always be confirmed against the current text and any transitional-justice-specific legislation.
- **Six months from the date of the offence, or from the date of knowledge of it:** the general default period applied across most chapters of Part 2, including public tranquility, contempt of public authority, public health and morals, arms, explosives, national heritage (for offences other than Sections 147–149), religion, marriage, hurt and grievous hurt, unlawful detention, kidnapping and hostage-taking, medical treatment offences, currency, stamps, and documents.
- **Three months from the date of knowledge of the offence:** applied in several chapters including offences relating to evidence and justice administration (for offences other than Sections 101–102), homicide-related compensation and ancillary claims, criminal trespass and mischief, offences against animals, privacy offences, and defamation under Section 308.

Advocates should treat every figure in this table as provisional pending direct verification against the specific section in force, since limitation periods are exactly the kind of provision most likely to be refined by subsequent amendment, and the consequence of relying on an incorrect period is, in most cases, irreversible.

8. Illustrative Client Scenarios

To make the foregoing summary more directly usable in client meetings, the following short illustrative scenarios map common categories of client query onto the relevant chapter of the Code. These are offered as navigational aids only and are not themselves legal advice.

- **"My employee has been taking small amounts of cash from the till."** This raises criminal breach of trust under Section 252 (property entrusted to the employee and dishonestly misapplied) rather than simple theft under Section 241, since the money was lawfully in the employee's possession before being misapplied; the distinction matters both for the correct charge and for civil recovery strategy.
- **"Someone recorded our private phone call and is threatening to release it."** This falls within the privacy chapter — most directly Section 293 (unauthorized recording of conversation) and potentially Section 298 (breach of privacy through electronic means) — and may separately support an extortion complaint under Section 253 if payment is being demanded to prevent release.
- **"A competitor's employee is posting false claims about our company on social media."** This is analyzed first as libel under Section 306, with the electronic-means sentencing enhancement under Section 307 squarely in point; counsel should also test the statements against the Section 306(3) good-faith defenses (particularly the public-interest and honest-opinion carve-outs) before advising a client to proceed, since a defensible opinion or criticism will not attract liability.
- **"My client was in a physical altercation and the other person was seriously injured."** This requires working through Chapter 14 (hurt and grievous hurt, Sections 191–199) and considering whether Section 194's provocation-based sentencing reduction, or the general private-defense provisions in Part 1, are arguable on the facts, before any assessment of exposure is given.
- **"We discovered a family member arranging our daughter's marriage without her consent, and she is sixteen."** This squarely engages Section 173 (child marriage) and Section 171 (marriage without consent) simultaneously, and both should be pleaded together where the facts support it.
- **"A hospital sent our relative home and she died shortly afterward; we suspect negligence."** This requires assessing potential liability under Section 232 (reckless or negligent medical treatment) as a criminal matter distinct from, and potentially running in parallel with, a civil negligence claim and a professional-conduct complaint to the Nepal Medical Council.

- **"Land that has belonged to our family for generations has been fraudulently transferred using forged documents."** This engages Section 276 (forgery) and Section 280 (using a fraudulent document as genuine), generally best pursued together with the civil remedies available for cancellation of the fraudulent transfer, since a criminal conviction alone does not automatically restore title.

9. Scope and Limitations of This Summary

This memorandum has been prepared by Adalat Lawyers as an internal professional reference and general client-briefing document summarizing the National Penal (Code) Act, 2074 (2017) of Nepal, based on the text of the Act made available for review, which in the copy examined extends through Section 308 (Part 3, Chapter 2). It is a summary and restatement in the firm's own words of the structure and substance of the Code, prepared for ease of navigation and general orientation; it is not a verbatim reproduction of the statutory text, is not a substitute for the authoritative Nepali-language text of the Act as amended from time to time, and should not be relied upon as a final statement of the law in any specific matter. Nepali statutes are periodically amended, and subsidiary rules, judicial precedent from the Supreme Court of Nepal, and sector-specific special legislation may materially affect how any individual provision discussed above applies to a particular set of facts. Before advising a client or taking any step in a proceeding, the responsible advocate should verify the current, authoritative text of the relevant section directly against the Nepal Law Commission's official publication of the Act and any amendments, and should consult applicable case law. This document does not constitute legal advice to any client and creates no attorney-client relationship; it is intended solely to assist Adalat Lawyers' own lawyers in orienting themselves quickly and accurately within the structure of the Code.

10. How Adalat Lawyers Can Assist

Drawing on the structure summarized above, Adalat Lawyers is positioned to assist individual, corporate, and institutional clients across the full range of matters arising under the National Penal Code, including:

- **Criminal defense representation** at every stage — from initial arrest and detention, through investigation, charge, trial, and appeal — across all twenty-seven chapters of Part 2 and the privacy and defamation offences of Part 3, with particular depth in homicide, sexual-offence, property, and fraud-related matters.
- **Victim representation and compensation claims**, including the preparation and presentation of interim-compensation applications under Section 48, final compensation claims under the chapter-specific provisions

summarized above, and coordination between criminal complaint and any parallel civil recovery action.

- **Regulatory and compliance advisory work** for businesses in sectors most frequently touched by the public-health, morals, weights-and-measures, medical-treatment, and currency chapters, including proactive policy review to reduce exposure before a regulatory inspection or complaint arises.
- **Media, publishing, and digital-content advisory work**, including pre-publication review against the defamation and privacy chapters, and defense of clients facing defamation or privacy-related complaints arising from print, broadcast, or online content.
- **Family and marriage-related criminal matters**, including child-marriage, bigamy, and dowry-related complaints, coordinated with parallel family-law proceedings where appropriate.
- **Human-rights, torture, and transitional-justice matters**, including complaints and defense work under the torture, inhuman-treatment, enforced-disappearance, and unlawful-detention chapters, coordinated where relevant with Nepal's transitional-justice mechanisms.
- **Sentencing advocacy**, including the systematic development of aggravating or mitigating submissions under Sections 38 and 39 of Part 1 to secure the most favorable outcome available on the facts of a given case.

Clients seeking further guidance on any of the matters summarized in this memorandum, or on a specific factual scenario not directly addressed above, are encouraged to contact Adalat Lawyers directly for a case-specific consultation. As emphasized throughout, this memorandum is a general orientation document only, and no step should be taken in reliance on it without first confirming the current, authoritative statutory text and obtaining matter-specific advice

This document is provided by Adalat Lawyers for general informational purposes only and does not constitute legal advice. For advice on your specific circumstances, please contact our team.