

Essential Goods Protection Act, 2012 (1955)

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2012.8.13(November 28, 1955)

Amendments

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| 1. Essential Goods Protection (First Amendment) Act, 2018 | 2018.9.13 |
| 2. Some Nepal Acts (Amendment and rearrangement) Act, 2020 | 2020.11.16 |
| 3. Essential Goods Protection (Second Amendment) Act, 2024 | 2024.7.6 |
| 4. Judicial Administration Reform (First Amendment) Act, 2033 | 2033.4.10 |
| 5. Essential Goods Protection (Third Amendment) Act, 2038 | 2036.6.14 |
| 6. Judicial Administration Reform (Fourth Amendment) Act, 2043 | 2043.7.24 |
| 7. Administration of Justice Act, 2048 | 2048.2.16 |
| 8. Some Nepal Acts Amendment Act, 2048 | 2049.1.8 |

Act No. 13 of 2012[⊙]

[Preamble]:[⊙]

*Whereas, it is expedient to protect some specific essential goods of Public Use to maintain the interest of the General Public,

Be it enacted and Proclaimed by His Majesty King.

1. **Short Title and Extent:** (1) This Act may be called the "Essential Goods Protection Act, 2012 (1955)".

(2) This Act shall come into force all over Nepal.

- ♥2. **Definitions:** In This Act, unless the subject or context otherwise requires, the expression "Essential Goods" means the following goods and goods laying with it or other goods attached to it:-

(a) Telegraph, Telephone,

⊙ This Act does not contain long Title.

⊙ The word 'Preamble' has not been used in this Act.

* Amended by Some Nepal Acts (Amendment and rearrangement) Act, 2020

♥ Amended by third Amendment.

- (b) Ropeway, Railway,
- (c) Highway, Main Roads, Bridge,
- (d) Sewerage Pipe Line,
- (e) Source of Drinking Water developed by the Government of Nepal or any other institution or developed with the permission of the Government of Nepal or other institution,
- (f) Electricity, Instruments for the production of the Electricity,
- (g) Weather and water resource related Stations,
- (h) Airport, Communication Cable Line laying within or outside of the Airport, Antenna, Radio Communication Stations, Radar, Security or other signals and other identical instruments,
- (i) Petrol, Petrol Pump Stations, Fuel Depots,
- (j) *Pati, Pauwa* and *Sattal* (House made for religious or charity purpose to use for a short period by the public without costs)
- (k) Any other goods appointed by Government of Nepal by publishing a Notification in the Nepal Gazette.

3. **Restricted to unauthorized person and penalty for commission:** No one, on his/her own or using anybody else, shall pull out, break down and destroy by any means, steal or cause for the same any of the essential goods. Whosoever, commits or causes to commit such act, he/she shall be liable for a punishment of realization of the amount involved therein and a ♦ fine equal to such amount or with both, in addition to the punishment prescribed by the prevailing Act and *Sawal*.

Provided that, whosoever commits any of the acts, other than stealing as mentioned here above, it shall not be considered to be an offence if it is done for the purpose of construction or maintenance with the permission of the owner. Furthermore, in case of any accidental loss, if somebody informs the same to the

♦ Amended by second Amendment.

Government Office, it also shall not be considered an offence pursuant to this Section. The amount of loss shall be realized at any cost.

4. **Aid to an unauthorized person or concealment to be punishable:** In case the residents of any place get involved with the person who steal or do anything illegal/nuisance or provide any help or harbour or hide or save them from offense or hesitate to stop any offense or knowingly refrain from informing the offense, such person (man) shall be punished pursuant to Section 3.
- ♦5. **∇Powers of Local Body or Administrative Officer:** Everybody shall protect the essential goods. In case, essential goods are being lost, stolen or damaged by any other means time and again, in any area (locality), the nearby Village Development Committee or Municipality, District Development Committee or the Administrative Officer shall arrange for the security of the essential goods.
- ♦6. **Power to use necessary force against the offender:** In case, an offender tries to flee by using or without using any force in the course of arrest from the spot (Crime Scene), he/she shall not be given any opportunity to run away.

In case the situation demands to use any arm or ammunition, the Head Constable or officer senior to him/her from the Police Force or by the command or officer senior to him/her from Nepal Army or if it is from any other force, the command or officer of the same rank may, own their own or through any subordinate, issue order to use weapon or shot below the knee and arrest such person. No Government employee shall be punished for the death of any person in the course of arresting him/her, as mentioned herein.

Explanation: For the purpose of this Section, other force means Militia, Pionier, reserve, Garizen, or any other organized force.

♦ Amended by second Amendment.

∇ Amended by Some Nepal Acts Amendment Act, 2048

♦ Amended by First Amendment.

7. **Penalty for sale and Purchase:** A person who sells, purchases or holds any material related to any essential goods, with a knowledge that it is a stolen material, such person shall be punished pursuant to Section 3.
8. **Penalty for Attempt:** Whosoever is arrested on the spot while trying to steal or damage or committing such offence, such person shall be absolutely liable for imprisonment for a period of one year, in case he or she is not a recidivist in the similar offense. If he/she is a recidivist, he/she shall be liable for the double of the imprisonment so mentioned.
- TM9. **Power to hear the case and Appeal:** ♦ Chief District Officer shall hear the case pursuant to this Act and Appeal against it shall be heard by the ^ΣCourt of Appeal.
10. **Prevalence of this Act:** This Act shall apply on matters mentioned herein and in other the prevailing Act and *Sawal* shall apply.

TM Amended by Judicial Administration Reform (First Amendment) Act, 2033

♦ Amended by second Amendment.

^Σ Amended by Administration of Justice Act, 2048

Note:

1. The following word has been changed by Interim Government of Nepal Act -
"His Majesty's Government" instead of "Government"
2. The following word has been changed by Local Administrative Act
"Aunchaladhish" instead of "Badahakim" or 'Majistrate"
"Aunchaladhish karyalaya" instead of "Gadi, Gauda, Goswara"
"karyalaya" instead of "office"