

Public Security Rules, 2058 (2001)

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His Majesty's Government, in exercise the power conferred by Section 14 of the Public Security Act, has framed the following Rules:

1. **Short Title and Commencement:** (1) These Rules may be called as "Public Security Rules, 2058 (2001).

(2) These Rules shall come into force immediately.

2. **Definitions** : Unless the subject or context otherwise requires, in this Rules:

(a) "Act" means the Public Security Act 2046.

(b) " Reasonable and Sufficient Ground" means the grounds as set forth in Rule 3 or any other grounds similar to that.

3. **Reasonable and Sufficient Ground:** (1) If an information is received by any source satisfying the Local Authority that any person is doing or making preparation to do any or all of the following acts or any organized group, any person affiliated with such group is causing to do such acts, it shall be deemed to have been reasonable and sufficient grounds immediately undermining the sovereignty and integrity or the law and order situation of the kingdom of Nepal :-

(a) Killing people, causing hurt or damage to any human body, abducting people, conflagration, looting and stealing or doing or causing to be done any violent or destructive acts with the use of arms or force with the aim of immediately undermining the sovereignty, integrity or law and order situation of the kingdom of Nepal.

(b) With the aim of changing or causing to be changed the state power by means of destruction for the purpose of creating a

state of fear or terror, to cause explosion, conflagration to, breaking and stealing of government offices, public property, financial institutions, industrial and commercial enterprises, educational institutions or personal property or cause loss or damage thereof.

- (c) To incite or cause to be incited to an act of explosion, conflagration, breaking, looting and stealing, abducting, assault or violent act by creating a state of fear or terror in general public.
- (d) To use or cause to be used, demonstrate or use of destructive or criminal force, to raise funds in cash or in kind by force for any organization or group or any sister organizations of such group or any supporter organizations of such group or to paste, demonstrate or cause to be demonstrated any kind of leaflet, pamphlet or dissemination materials on behalf of such organization.

(2) If an information is received by any source satisfying the Local Authority that any person is doing or causing to be done any or all of the following acts or the presence of any person in any place may cause such an act, it shall be deemed to have reasonable and sufficient grounds to jeopardize the interest of general public or the harmonious relations subsisting among the peoples of various castes, tribes or communities: -

- (a) If any person attempts to create or cause to be created animity among various castes, tribes or communities by demonstrating degrading treatment towards any religion, caste, tribe, language and community by means of writing, words or speech or by any other similar means.
- (b) If any person attempts to do or causes to be done, with the aim of creating religious, tribal or communal

disturbances among various religions, castes, tribes or communities by means of an article, composition, elucidation, speech or by any other similar means,

(c) If any situation of religious, tribal or communal tension or disturbances arises by the presence of any person in any place or by any programme thereof.

4. **Procedures of Issuing an Order** : (1) The Local Authority, on issuing the order of detention pursuant to Section 3.1 of the Act, shall have to mention any one ground from among the reasonable and sufficient grounds referred to in sub-rule (1) of Rule 3.

(2) The Local Authority, on issuing the order of place limit (confinement) pursuant to Section 3.2 of the Act, shall have to mention any one ground from among the reasonable and sufficient grounds referred to in sub-rule (1) of Rule 3.

(3) While issuing an order of detention to any person under Section 3.1 of the Act, a copy of the order so issued should also be sent to the office taking such person in detention.

(4) While issuing an order of detention or place limit under Sections 3.1 or 3.2 of the Act, if any goods relating to the pre activities of the person requiring to keep in detention or place limit or causes immediately undermine the law and order situation and incitement to an violent act are seized, the documents including the deed of seizure of such goods should be attached to the file.

(5) While issuing an order of detention, a notice with the reason of detention should also be given to the person taken in detention.

(6) The procedures to be followed in the case of taking in detention should also be followed while issuing an order of place limit and an abroad visit prevention order.

(7) The Local Authority on issuing an order under the Act or under this Regulation, the order of detention, the order of place limit, the abroad visit prevention order and the notice to be served to the person taken in detention shall be as prescribed in Anex-1, Annex-2, Annex-3 and Annex-4 respectively.

5. **May an Application be Made :** (1) A person suffering from the order issued under Rule 3, may make an application to the Ministry of Home Affairs with the details of sufferings and the Ministry of Home Affairs may require to submit the file along with the order, grounds taken at the time of issuing such order and on examining the documents, if the Ministry does not think proper to continue the order it may quash the order.

(2) If the order issued by the Local Authority does not require quashing pursuant to sub-rule (1), the Ministry of Home affairs shall, with its opinions, forward the file received from the office of the Local Authority and the application of the person concerned to His Majesty's Government.

(3) His Majesty's Government, if thinks reasonable after examining the file, documents, the application and the opinions of the Ministry of Home Affairs furnished under sub-rule (2), may quash the order issued by the Local Authority.

6. **Authority to Alter or Repeal the Order :** (1) If the conduct of the person kept in detention or in place limit or restricted to go to abroad is reformed or from the circumstantial point of view it does not seem necessary to keep in detention or in place limit or permission be given to go to abroad, the authority issuing an order under Section 3.1 of the Act may alter or repeal it at any time.

(2) While altering or repealing the order pursuant to sub-rule (1) the authorized authority may make a written document with such person or ask security or both.

7. **Repeal** : (1) The Public Security Rule, 2019 (1963) is hereby repealed.

(2) The acts and procedures done under the Public Security Rule, 2019 shall be deemed to have been done under these Rules.

Nepal Law Commission

Annex-1

(Relating to sub-rule (7) of Rule 4)

Order of Detention

I (name of the order issuing authority), the Chief District Officer (local authority or an authority working on his behalf) ofDistrict of the Kingdom of Nepal hereby issue this order to keep you, a resident ofDistrict,Municipality/Village Development Committee, Ward No. in detention in exercise the power conferred by Section 3.1 of the Public Security Act, 2046 (1989) as there are reasonable and sufficient grounds as set forth below to prevent you from doing an act ofthat you are preparing to do or causing to be done which may immediately undermine the sovereignty, integrity or the law and order situation of the Kingdom of Nepal.

Reasons and Grounds for Detention

- (a).....
- (b).....
- (c).....

Signature and Designation of the Order Issuing Authority

Done on.....year.....month.....day

Annex-2

(Relating to sub-rule (7) of Rule 4)

Order of Place Limit

I (name of the order issuing authority), the Chief District Officer (local authority or an authority working on his behalf) ofdistrict of the Kingdom of Nepal hereby issue this order to restrict you, a resident ofDistrict,.....Municipality/ Village Development Committee, Ward No..... to live in.....district,.....Municipality/ Village Development Committee, Ward No..... by limiting you to live only in.....District,.....Municipality/ Village Development Committee, Ward No..... in exercise the power conferred by Section 3.2 of the Public Security Act, 2046 (1989) as there are reasonable and sufficient grounds as set forth below to prevent you from doing an act of..... you are preparing to do or causing to be done which may create a situation of tension or disturbance jeopardizing the interest of general public, the harmonious relation existed among various castes, tribes or communities of the Kingdom of Nepal.

Reasons and Grounds for Place Limit

- (a).....
- (b).....
- (c).....

Signature and Designation of the Order Issuing Authority

Done on..... year.....month.....day

Annex-3

(Relating to sub rule (7) of Rule 4)

Abroad Visit Prevention Order

I, the Secretary of His Majesty's Government, Ministry of Home Affairs, (name of the order issuing authority), hereby issue this order, in exercise the power conferred by Section 3.3 of the Public Security Act, 2046 (1989) requiring you, a resident ofDistrict,Municipality/ Village Development Committee, Ward No..... not to visit out of the Kingdom of Nepal without the permission of His Majesty's Government being it necessary to prevent you from doing such acts which may adverse effect tounder Section 3.3 of the said Act as there are reasonable and sufficient grounds as set forth below.

Reasons and Grounds for Place Limit

- (a).....
- (b).....
- (c).....

Signature and Designation of the Order Issuing Authority

Done on..... year.....month.....day

Annex-4

(Relating to sub-rule (7) of Rule 4)

A Notice of Information

An order was issued on.....year.....month...day to keep you....., a resident ofDistrict,Municipality/ Village Development Committee, Ward No.....in detention under Section 3.1 of the Public Security Act, 2046 and the order is attached herewith. This notice of information having mentioned the reasonable and sufficient grounds as set forth in the order prohibiting you from doingwhich may immediately undermine the sovereignty, integrity or the law and order situation of the Kingdom of Nepal.

Notice Issuing Authority's,

Signature:

Designation:

Name of Office:

Done on.....year.....month.....day..