

Explosives Act, 2018 (1961)

Date of Authentication

2018-2-13 (1961-05-26)

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Amending Act

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1. Nepal Acts (Amendment) Act, 2018 (1961) 2018-7-30 (1961-11-15) 2018-8-1 (1961-11-16)
2. An Act Made to Amend Nepal Acts, 2018 (1961) 2018-8-23 (1961-12-08) 2018-9-13 (1961-12-27)
3. An Act Made to Amend, Repeal and Continue through Rearrangement of Nepal Acts, 2019 (1963) 2019-12-30 (1963-04-13) 2019-12-30 (1963-04-13)
4. The Explosives (First Amendment) Act, 2031(1974) 2031-6-20 (1974-10-06) 2031-6-20 (1974-10-06)
5. The Explosives (Second Amendment) Act, 2048 (1991) 2048-7-14 (1991-10-31) 2048-7-14 (1991-10-31)

Act Number 8 of the year 2018 (1961)

An Act Made to Provide for The Production, Use, Sale, Transportation and Import of the Explosive

Preamble: Whereas, it is expedient to make arrangements for the production, storage, use, sale, transportation and import of explosives so as to maintain peace and order⁺;

⁺ Inserted by an Act to Amend Nepal Acts, 2018 (1961).

Now, therefore, be it enacted by His Majesty the King Mahendra Bir Bikram Shah Dev in accordance with Article 93 of the Constitution of Nepal[•].

1. **Short Title, Expansion and Commencement:** (1) [◊]This Act may be called as "the Explosives Act, 2018 (1961)".

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

(3) This Act shall commence on such date as Government of Nepal may, by a Notification in the Nepal Gazette, appoint[•].

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

(a) "Explosives" means:

(1) granite, nitroglycerin, dynamite, gun-cotton, blasting powder, mercury or fluent net of other metals and any other material whether or not of the same category, produced or used with the objectives of bringing about the practical affect through explosion^① or the effect of a firecracker nature;

^②(2) fog signal, fuse rocket, percussion cap, cape, detonator, quartos and all types of ammunitions and the materials produced or prepared in an identical manner or by making a combination of the Explosives as mentioned in Sub-clause (1);

^③(3) plants, machines or tools that produce or make the Explosives;

[•] Amended by An Act Made to Amend, Repeal and Continue through Rearrangement of Nepal Acts, 2019 (1963).

[◊] Amended by the Nepal Acts (Amendment) Act, 2018 (1961).

[•] Came into force since 2020-8-29 (1963-12-15) through a Notification in the Nepal Gazette on 2020-8-29 (1963-12-15).

^① Amended by the First Amendment.

- ⊠(4) the materials declared as explosives by Government of Nepal, by publishing a notice in Nepal Gazette.
- (b) "Production" means the technique to divide into parts, to segregate or to destroy the Explosives or the technique to make the damaged Explosives functional and also the technique to remake, modify and repair the Explosives.
- (c) "Carrier" means vehicle, cart, boggy, rickshaw, boat, horse-cart and any other means of transport carrying goods or passengers by water or land or air way.
- (d) "Import" means the act of importing within Nepal.
- (e) "License" means the license issued under this Act.
- (f) "Prescribed" of "as Prescribed" means prescribed or as prescribed in the Rules framed under this Act.
3. **Power to Declare Explosives:** Government of Nepal may, from time to time, by publishing a Notice in the Nepal Gazette, declare such materials as Explosives which may cause harm to life and property of a person because of containing explosive element therein or have a possibility of being exploded while adopting required procedures in course of production thereof, and each material so declared, for the purpose of this Act, shall be deemed to be as Explosives.
4. **Control in Production, Storage, Use, Sale, Transportation and Import of Explosives:** (1) No person shall, without a Licensee and if a License not following the terms and conditions referred to in the license, shall produce, store, use, transport or import Explosives.
- (2) Any person willing to obtain a License or to extend the validity period of the License for the production, storage, use, sale, transportation or import of the Explosives shall submit a written application along with details as prescribed in a prescribed format before

⊠ Inserted by the First Amendment.

the Chief District Officer. The format of each License, the amount required there for and its validity period shall be as prescribed.

(3) The Chief District Officer may, subject to this Act and the Rules framed under it, and having furnished a notice to the Licensee, make necessary changes to any matter mentioned in any License.

(4) A person, willing to make changes in his/her own License, shall submit an application to the Chief District Officer stating the matters he/she wanted to change and the reasons there for. The fee for making any changes shall be as prescribed.

5. **① Power of Government of Nepal to Prohibit and Control the Production, Use, Sale, Transportation and Import and Storage of the Explosives:** Notwithstanding anything contained in other Sections of this Act, Government of Nepal may, if it deems necessary, fully or partially prohibit the production, storage, use, sale, transportation or import of the Explosives by publishing a Notice in the Nepal Gazette from time to time.
6. **Power to Inspect, Search, Seize, Withhold and Remove:** (1) The Chief District Officer or any gazetted officer or a police officer of the rank of Sub-Inspector at the minimum designated by him/her may inspect and examine any place and carrier where the task of the production, storage, use, sale, transportation or import of the Explosives is being carried out and may also acquire the sample of any Explosives located there by paying the cost of price thereof.
- (2) If there is a reasonable ground to believe that the task of the production, storage, use, sale, transportation or import of the Explosives is being carried out in any place or container contrary to this Act or the Rules framed under it, the Chief District Officer or any gazetted officer or a police officer of the rank of Sub-Inspector at the minimum

^① Amended by the First Amendment.

designated by him may inspect, search and examine such place or carrier and, if found such Explosives, may seize and withhold it.

7. **Power to Arrest:** Any police official or the possessor of the land where the production or storage of the Explosives has taken place or his/her representative or servant or any person authorized by him/her, or any official of the railway administration or airport office, as the condition requires, may arrest any person, if such person is going to commit any offense punishable under this Act and the act so committed has the possibility of causing explosion or arson in or around the place of production or storage, or any railway line or any airport or any carrier; and the person so arrested shall be handed over to the Chief District Officer within a period of twenty four hours after such arrest, excluding the time necessary for journey, from the place of such arrest^e.
8. **Notice of Accident:** In case of loss of life and property of persons or severe damage as a result of explosion or arson in or around the place of production, storage or use or the carrier of transportation or loading or unloading the possessor of such place or the owner or the driver of such carrier shall furnish a notice thereof to the officer in-charge of the nearest police station in the prescribed manner within the prescribed time-limit.
9. **Examination of Accident:** (1) The concerned officer of the Nepal Army shall conduct an examination of the accident if the accident as referred to in Section 8 has taken place in or around the place or carrier under the control of Nepal Army; and the Chief District Officer shall be required to conduct an examination of the accident if the accident has taken place in any other place.

(2) The examining officer pursuant to Sub-section (1) or the officer designated by Government of Nepal for examination pursuant to

^e Amended by the Second Amendment.

Sub-section (4) shall have all powers of the Chief District Officer and shall, if he/she deems necessary and appropriate, also exercise the powers of the Chief District Officer pursuant to Section 6 for the purpose of such examination.

(3) Upon completion of the examination of the accident, the person designated pursuant to this Section for such examination shall submit a report in writing to Government of Nepal stating the cause and circumstance of such accident.

(4) Government of Nepal may, if it deems necessary, issue an order to stop an act of examination subject to Sub-section (1) and cause to conduct an examination about the cause of such accident through any other officer deemed appropriate, whether or not the report pursuant to Sub-section (3) has been received.

(5) The examining officer designated to carry out an examination pursuant to this Section shall have the powers, as conferred to the court of first instance according to the prevailing Nepalese laws in relation to summon the witnesses, cause to deposit the documents and other valuable goods and to take statements.

10. **① Punishment and Confiscation:** (1) Whoever carries out an act of production, storage, use, sale, transportation or import of the Explosives either without obtaining a License pursuant to Section 4 or violating the provisions of Section 5, shall be punished as follows:

- (a) an imprisonment for a period of up to two years or a fine of up to Twenty Thousand Rupees^② or both in case of nitroglycerin, dynamite, blasting powder or mercury or fluent net of other metals;

^① Amended by the First Amendment.

^② Amended by the Second Amendment.

- (b) an imprisonment for a period of up to one year or a fine of up to Ten Thousand Rupees[Ⓜ] or both in case of explosives other than those referred to in Clause (a) and firecrackers and firebrands;
- (c) a fine of up to One Thousand Rupees[Ⓜ] in case of firecrackers or firebrands.

Provided that no separate punishments for storage and transportation shall be imposed of the punishment for production, import or use and import, use or sale of the same Explosives shall be imposed respectively.

(2) In case any person violates the conditions of the License obtained pursuant to Section 4 or the Rules framed under this Act, a fine of up to Five Thousand Rupees, Two Thousand and Five Hundred Rupees and Five Hundred Rupees[Ⓜ] shall be imposed in cases of the matters as referred to in clauses (a), (b) and (c) of the Sub-section (1) respectively.

Explanation: In cases of expiration of the period of the License and commission of any act not authorized by the License, it shall be deemed that the License was not obtained and proceedings and punishments shall be made accordingly.

(3) The Explosives related to the offences pursuant to Sections 4 and 5 shall be confiscated by Government of Nepal.

11. **Savings of the Nepalese Laws on Arms and Ammunitions:** Nothing mentioned in this Act shall affect the matters mentioned in existing Nepalese laws on arms and ammunitions.

[Ⓜ] Amended by the Second Amendment.

Provided that, it may be written in the License, if authorized by the Rules framed under this Act, that any License provided by the Chief District Officer to produce, store, use, sale, transport or import the Explosives shall be deemed as the License provided under the Nepalese laws relating to arms and ammunitions.

12. **Punishment may be made under other Nepalese Laws:** No provisions of this Act or the Rules framed under this Act shall cause a hindrance to proceed a lawsuit or to impose more severe punishment under other Nepalese Laws, in cases of any offense punishable under this Act and other Nepalese laws.

13. **Saving and Power not to Enforce:** (1) No provision of this Act shall be enforceable in case of production, storage, use, transportation or import by the following persons or authorities:

- (a) By the Nepal Army in accordance with the Rules framed by Government of Nepal
- (b) By any Ministry, Department or Office of Government of Nepal.

(2) Government of Nepal may, by publishing a Notice in the Nepal Gazette, make arrangements for non-enforcement of this Act and the Rules framed under this Act, fully or partially, subject to all or some of the conditions in relation to any Explosives.

14. **Power to Frame Rules:** In order to fulfill the objectives of this Act, Government of Nepal may frame the Rules.

15. **✂.....**

✂ Deleted by An Act Made to Amend, Repeal and Continue through Rearrangement of Nepal Acts, 2019 (1963).