

## Postal Act, 2019 (1963)

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1. Some Nepal Laws (Amendment and Rearrangement) Act, 2020 (1964) 2020.11.16 (28 Feb.1964)
2. Postal (First Amendment) Act, 2030 (1974) 2030.12.11 (24 March 1974)
3. Judicial Administration Reform Act, 2031 (1974) 2031.4.18 (2 August 1974)
4. Judicial Administration Reform (Fourth Amendment) Act, 2043 (1986) 2043.7.24 (10 Nov. 1986)
5. Postal (Second Amendment) Act, 2044 (1987) 2044.7.1 (18 Oct. 1987)
6. Postal (Third Amendment) Act, 2045 (1988) 2045.7.10 (26 Oct. 1988)
7. Communication Related Some Nepal Acts (Amendment) Act, 2047 (1990) 2047.7.14 (31 Oct.1990)
8. Administration of Justice Act, 2048 (1991) 2048.2.16 (30 May 1991)
9. Postal (Fourth Amendment) Act, 2050 (1993) 2050.6.27 (13 Oct. 1993)
10. The Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010)<sup>1</sup> 2066.10.7 (21 Jan 2010)

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<sup>1</sup> This Act came into force on 15 *Jestha* 2065 and "*Prasasti*" and the word "Kingdom" has been deleted.

Act Number 50 of the Year 2019 (1962)

**An Act made to Amend and Consolidate Nepal Laws Relating  
to Postal Service**

**Preamble:** <sup>2</sup>Whereas it is expedient to amend and consolidate Nepal law for maintaining the amenities of the common people of Nepal,

Now, therefore, His Majesty the King Mahendra Bir Bikram Shah Dev has made this Act in accordance with Article 93 of the Constitution of Nepal.

**Chapter - 1**

**Preliminary**

1. **Short Title, Extent and Commencement:** (1) This Act may be called the “Postal Act, 2019 (1963)”

(2) This Act shall extend throughout Nepal and also to the Nepalese citizens residing outside Nepal.

(3) Section 31, 32 and Chapter 8 of this Act shall come into force on such date as the Government of Nepal, may, by a Notification published in the Nepal Gazette appoint, and other Sections shall come into force immediately.

2. **Definition:** Unless the subject or context otherwise provides, in this Act:

(a) “Director General” means the Director General of the Postal Service Department, Government of Nepal. This term also includes other authorities exercising the authority vested in the Director General of the Department.

<sup>3</sup>(b) “Regional Director” means the Regional Director of the Regional Postal Directorate, and this term also includes the other authorities who exercise the power vested in the Regional Director.

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<sup>2</sup> Amended by Some Nepal Laws (Amendment and Rearrangement) Act, 2020.

<sup>3</sup> Amended by Fourth Amendment.

- (c) “Postmaster” means the chief personnel of the post office and this term also includes other personnel exercising the authority of the Postmaster.
- (d) “Post or Post Office” means the post office established by the Government of Nepal and this term also includes any house, building, room, vehicle, or place and the letter box utilized by the post office for the purpose of posting articles.
- (e) “Personnel of post office” means anyone employed for the work of the post office.
- (f) “Postal article” means a letter, newspaper, magazine, book-post, sample packet, literature for the blind, parcel and also any other thing or article that may be dispatched from the post office.
- (g) “Letter” means and includes a letter, postcard and an aerogramme.
- (h) “Domestic postal article” means a postal article posted in Nepal to deliver to any address within the country.
- (i) “Mail Bag” means a sack, carton (box), parcel or other envelope or a cover that is used for enclosing a postal article while dispatching it from the post office.
- (j) “Postal Charge” means the charge (*Mahasul*) levied on the postal articles for dispatching it from the post office.
- <sup>4</sup>(k) “Postage Stamp” means the stamp (ticket) issued by the Government of Nepal to imprint postal charge or any other charge or amount to be levied on the postal article and this term also includes an envelope, postcard or other symbol of stamp that has been imprinted as a mark (evidence) of a stamp (ticket) by print, embossment, impression or franking.
- <sup>5</sup>(k1) “Postal offence” means an offence that is punishable under this Act.

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<sup>4</sup> Amended by First Amendment.

<sup>5</sup> Inserted by Second Amendment.

- (l) With reference to any postal article, the term “Under dispatch from the post office” means the period between the submittal of the postal article at the post office to its delivery to the addressee or returned delivery to the sender or until the period of settlement as referred to in Chapter-7.
- (m) With reference to any postal article the term “Delivery at the post office” means the delivery made to a person authorized to book the postal article.
- (n) With reference to any postal article, the term “Delivery to the addressee” means the delivery of postal article at the addressee’s residence or office or the addressee himself or herself or his/her servant or representative according to the normal practice or any other person deemed so authorized to accept the postal article.
- (o) “Prescribed” or “as prescribed” means prescribed or as prescribed in the Rules framed under this Act.

## **Chapter-2**

### **Monopoly and Responsibility**

3. **Monopoly in the conveyance of mail is reserved in the Government of Nepal:** Except otherwise provided hereunder, the Government of Nepal shall have the monopoly in conveying letter, and for this purpose, receiving, collecting, sending, dispatching, delivering letters and operating other such relevant services at the locations within Nepal where the postal system has been operated by Government of Nepal:-
- (a) Letter that someone has asked to deliver to someone on the way or while in travel without any form of wages, reward or profit in return for making delivery to the addressee,
  - (b) Letter related only to the transaction of sender or receiver which is sent through a specific person, and

- (c) Letter that is sent accompanying the goods/article to which it relates by sea, surface or air route without charging any form of wages, reward or profit for delivery.

Provided that, the provisions prescribed in this Section shall not be construed as having given authority to anyone to collect the letter or as mentioned under section (a), (b) or (c) through any other means other than the post office,

- <sup>6</sup>(d) To send or deliver an Air Document operated by an air service.

**3A. License may be issued to private sector for operating postal**

**services:** (1) Notwithstanding anything contained in other Sections of this Act, the Government of Nepal may issue license to a person or organization to operate postal services to be operated pursuant to this Act subject to conditions as prescribed.

(2) If a licensed person or organization (licensee) pursuant to Sub-section (1) commits or causes to commit any act in contravention to the conditions or this Act or Rules hereunder, the compensation in lieu of the damage caused shall be recovered from such person or organization; and such a person shall be liable for a fine upto Two Thousand Five Hundred Rupees or imprisonment for upto Five years or the both.

- 4. Persons not permitted to convey letters:** The owner, his/her person or representative of transport vehicle conveying passengers or goods, shall not be permitted to receive, collect, transport or give to other, letter other than the letter related to the goods contained in the transport vehicle, for delivery or to others.

- 5. Non-obligation of the Government of Nepal:** Except otherwise provided in other Sections of this Act, the Government of Nepal shall not bear any liability for postal articles that have been wrongly delivered or

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<sup>6</sup> Inserted by First Amendment.

<sup>7</sup> Inserted by Fourth Amendment.

damaged in the process of dispatch from the post office; and the personnel of post office shall not bear liability for the above matters (mistakes) other than that done fraudulently or intentionally or with ulterior motive (*Ghaflat*).

<sup>8</sup>**5A. Conveyance of mail is mandatory:** If the Government of Nepal requests any person or organization operating any public transport to convey the mail, such person or organization shall mandatorily convey such mail in priority over the passenger or commodities and for rendering such a service an appropriate transportation charge (rent) shall be given to such person or organization.

<sup>9</sup>**5B. To enter into agreement with contractor of river transport to ferry mail across the river free of charge:** (1) An office or organization authorized to award contract for ferry service as per prevailing Nepal Law shall cause to enter into an agreement with the contractor at the time of awarding a contract to transport mail to postal system operated by the Government of Nepal free of charge.

(2) In relation to the ferry contracts awarded before the commencement of this Act, the Government of Nepal may make separate arrangement with the contractor for rendering ferry service to transport the mail free of cost.

<sup>10</sup>**5C. Not required to follow time-schedule:** A person or organization, who has received permission to transport mail either with transport cost or free of cost, shall operate mail transport service as per the time schedule set by the Postal Services Department for the operation of transport service, if any.

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<sup>8</sup> Inserted by First Amendment.

<sup>9</sup> Inserted by First Amendment.

<sup>10</sup> Inserted by Second Amendment.

- <sup>11</sup>**5D. Special obligation for the mail transport:** If any difficulty occurs while transporting mail as per the set time schedule, the <sup>12</sup>local administration, police and local municipality or Village Development Committee shall have a duty to provide any assistance as required.

### **Chapter-3**

#### **Postal Charges**

- 6. Authority to fix domestic postal charges:** (1) The Government of Nepal shall fix postal charges and other fees to be applied to all kinds of postal articles to be sent through domestic posts by a Notification published in Nepal Gazette; and it shall also frame Rules pertaining to the terms and conditions for recovering such charges and fees.
- (2) The Government of Nepal shall fix the types of articles that could be sent through domestic mail by publishing a Notification in the Nepal Gazette.
- 7. Authority of the Government of Nepal to frame Rules related to postal charges and payment of other fees:** The Government of Nepal may regulate the following matters by framing the Rules:
- (a) The type of domestic postal articles requiring prepayment of postal charges and method thereof,
  - (b) Additional postal charges required for the postal articles not paid before or underpaid,
  - (c) The charges applicable to postal articles returned to the sender and additional fee for the same,
  - (d) Postal charges for the postal article to be sent by the special post, and

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<sup>11</sup> Inserted by Second Amendment.

<sup>12</sup> Amended by Fourth Amendment.

- (e) Postal charges for dispatching postal articles beyond the normal hour and on the public holidays.

**Explanation:** Special mail shall mean the mail to be sent by the special mail runners or the special transport.

<sup>13</sup>**8. Authority of the Government of Nepal to fix foreign postal**

**charges:** (1) The Government of Nepal may fix foreign postal charges for the mail exchanged between the member countries of the Universal Postal Union, or as per the agreement concluded with any other country that have concluded agreement with Nepal on the basis of the Convention of Universal Postal Union and for the non-member country of Universal Postal Union with which Nepal has not concluded agreement with on the basis of the mutual understanding and by publishing the postal charges in the Nepal Gazette.

(2) The Government of Nepal may frame Rules in relation to the terms and conditions for recovering the postage charge and fees pursuant to Sub-section (1).

**9. Postage charges to be paid by the addressee:** (1) The addressee has to

pay the charges that have not been paid or not prepaid or underpaid and other applicable fees. The addressee shall not be liable to pay these charges for such articles that have been returned or unopened.

Provided that, such deficiencies of postal charges may be written off in a case where Controller deems that these acts have not been conducted with the bad intention to cause problem to the addressee.

(2) If the addressee denies to pay the postage charge or fee or returns the article without opening it, or he/she dies or the addressee is not traced, such charges shall be paid by the sender of the postal article.

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<sup>13</sup> Amended by First Amendment.



10. **Recovery of postal charges or other amounts:** If a person responsible to pay the postal charges refuses to pay the postal charges or other fees due on him/her, the postmaster may recover such an amount upon applying the procedure and authority as referred to in the prevailing Nepal Law prescribed for such purpose, and also may withhold the postal article, except the Government postal article, addressed in his/her name until the due amount is paid.
11. **The custom charge paid by the post office shall be recovered as the postal charges:** If, the post office has paid the custom charges of any postal article received through the post from outside of Nepal, this amount shall be recovered from the concerned person as the postal charges.
12. **The official stamp of the post office serving as evidence:** (1) The action taken under this Section in connection with the recovery of claimed amount of postal charges or other fees of the postal article-
- (a) shall be regarded as an evidence if the description about the rejection to take delivery, a death or not tracing of the addressee of the article is submitted with official seal on it,
  - (b) shall be considered valid to have been sent by the sender unless proven contrary.
- (2) The paper bearing the official seal of the post office and indicated with amount of the postage charge and other fees applicable for a postal article shall be regarded as true evidence.

## **Chapter-4**

### **Postage Stamps**

13. **Provision of Postage Stamps and framing Rules related thereto:**
- (1) All authority to arrange and circulate different types and denomination

of postage stamp shall rest on the Government of Nepal for the purpose of this Act.

<sup>14</sup>(2) For the purpose of Sub-section (1), the Government of Nepal may also make, particularly the following provisions:

- (a) To fix the selling rate of postal stamp,
- (b) To fix the category of postage articles for the purpose of the payment of postage charge and other fees,
- (c) To fix the condition whereby perforated, torn, distorted and other such stamps which may not be brought into circulation,
- (d) To regulate the keeping, sale, distribution and use of postage stamp,
- (e) To fix the terms and conditions for an individual, who is permitted to sell the postage stamp, while selling the postage stamp,
- (f) To fix the duty and remuneration for the individual selling postage stamp,
- (g) To circulate International Reply Coupon and fix its exchange rate,
- (h) To sell the stamps received from the United Nations organization for the sale.

## **Chapter-5**

### **Conditions for the Despatch of**

#### **Postical Article**

#### **14. Power to frame Rules for the registered newspaper or magazines:**

(1) The Government of Nepal may frame Rules for the registration of

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<sup>14</sup> Amended by First Amendment.

newspapers or magazines including their dispatch from the domestic post and the fees for registering newspaper.

(2) For the purpose of registration, the following types of publications with all or major part containing or not containing advertisement and contemporary news and with articles related to it<sup>15</sup> shall be regarded as newspaper:-

- (a) Which are gradually published for Thirty Two days or less than it.
- (b) Having a real inventory of the customers.

(3) Papers in the form of supplements or complements or make-up published with the newspaper of the same date shall also be regarded as the part of the newspaper.

Provided that, all or major part filled with or without advertisement but containing contemporary news and other related articles<sup>16</sup> and the top of newspaper in every page without the name and date printed on them shall not be regarded as an issue of the newspaper.

**Interpretation:** The provisions of this Section or the Rules framed under this Section shall not compel to dispatch a newspaper from the domestic post office.

**15. Postal article to be returned to the sender:** (1) The Government of Nepal may frame Rules to provide for the return of postal articles in the course of dispatch without the consent of the addressee or return to the sender subject to the conditions as prescribed.

(2) Except otherwise provided in the Rules framed Sub-section (1), no one shall be entitled to request for the return of postal article after it is dispatched from the post office.

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<sup>15</sup> Amended by First Amendment.

<sup>16</sup> Amended by First Amendment

**16. Article prohibited from sending by post:** The following articles are prohibited from sending by post:-

- (a) Explosives, dangerous, abhorrent, un-hygienic or harmful articles, unprotected sharp edges or pointed arms or other objects or animals handling of which may cause apparent harm to other postal articles or postal staff in the course of their dispatch (handling) from the post office.
- (b) Postal articles having such words, sign or shape which are obscene, disgraceful, crude, rebellious, provocative or cause disturbance to the peace and security.
- (c) Newspaper, books or other document that is prohibited for publication by the prevailing Nepal law related to press and publication.
- (d) Newspaper or magazine that are edited, printed or published without following the procedure prescribed pursuant to the prevailing Nepal Law related to press and publication.
- <sup>17</sup>(e) Article for dispatch to a country that has prohibited its import.
- <sup>18</sup>(f) The articles prohibited for dispatch from Nepal by other prevailing Nepal Law or Rules framed hereunder.

<sup>19</sup>**16A. Articles not permitted to send by ordinary letter:** No one shall send cash, cheque, draft, *Hundi* or other such article by ordinary letter. Post office shall not be responsible for damage caused to such articles sent by ordinary letter.

**17. Power to frame Rules related to the postal articles sent by post:**

- <sup>20</sup>(1) The Government of Nepal may frame Rules on dispatching or delivering of postage articles. The following provisions may be made in the

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<sup>17</sup> Inserted by First Amendment.

<sup>18</sup> Clause (e) converted into Clause (f) by First Amendment.

<sup>19</sup> Inserted by Fourth Amendment.

<sup>20</sup> Amended by First Amendment.

Rules without having adverse effect on the generality of the authority provided under Sub-section (1):

- (a) Articles restricted to be sent by post.
- (b) Condition on which articles may be sent by post.
- (c) To withhold article sent by post in contravention of this Act and final settlement of action taken against such case.
- (d) To issue or receive receipt or evidence (*Nissa*) while posting or delivering articles and additional fee for such receipt or evidence (*Nissa*).
- <sup>21</sup>(e) To regulate envelope and wrapping of postal article, its design, measurement (size) maximum weight, and content and to regulate the use of such postal article.
- <sup>22</sup>(f) To make provision of the Post Box and fix the fees for its use.
- <sup>23</sup>(g) To provide facilities for the post bag and fix fee therefor.
- <sup>24</sup>(h) To operate domestic and International Express Mail Service (EMS).

(3) Time and method of posting of postal articles shall be as ordered by Director General from time to time.

<sup>25</sup>**18. Delivery of postal article after the custom duties are received: (1)**

Post office may withheld delivery of postal article received from a foreign country if it suspects any customable item is in it.

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<sup>21</sup> Amended by First Amendment.

<sup>22</sup> Inserted by First Amendment.

<sup>23</sup> Inserted by First Amendment.

<sup>24</sup> Inserted by Fourth Amendment.

<sup>25</sup> Amended by Second Amendment.

(2) The postmaster shall open the postal article withheld under Sub-section (1) in the presence of the custom officer and if customable article is found, custom for this article shall be determined and delivery of the article shall be made after the person taking delivery presents receipt of payment made to the local custom office.

<sup>26</sup>(2a) After custom is determined of the withheld goods opened by the post master and local custom officer, they shall also sign the description book of the post office

(3) The post office shall deposit the amount in the treasury account that has been received from the auction of the customable postal article that could not be delivered or the addressee does not wish to take delivery or is not required to be sent back to the sender or if the addressee does not come to take delivery within Fourty Five days of the issue of intimation.

<sup>27</sup>**19. Treatment of goods not permitted for export or import:** Authority with whom the government has vested power shall have the authority to withhold the goods or even the mail and search by him/her or other mail bags if he/she suspects that some goods are being exported outside or imported inside the country. The authority shall handover the goods recovered from the search that is prohibited for import or export, to the authority for necessary legal action.

**20. Power to use for the public interest:** (1) In a situation of any public emergency or for the sake of maintaining public peace and security (law and order), the Government of Nepal or for this purpose, any officer authorized by the government of Nepal may issue written order to withheld or finalize the case of any specific postal article or any specific goods in the course of dispatch.

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<sup>26</sup> Inserted by Fourth Amendment.

<sup>27</sup> Amended by Second Amendment.

(2) In case, a question arises as to whether or not any public emergency situation has emerged or any action for public peace and security, the certificate issued by the Government of Nepal in this regard shall be regarded as an evidence.

**21. Authority to take action on the postal article bearing fake or cancelled stamp:**<sup>28</sup>

(1) If any postal article bearing a fake or cancelled stamp is received from the postal service, the concerned postmaster shall fix the dead line and issue written notice ordering the addressee to be present physically or send an authorized person to the post office to take delivery of the article.

(2) If the addressee or his/her representative appears before the Post Office within the deadline and agrees to handover the fake or used stamp and the portion mentioned the name and address of the sender to the postmaster, such a postal article shall be delivered to the addressee or his/her representative.

(3) In a case, where the addressee or his/her representative does not appear or does not agree to handover the concerned portion of the postal article required as referred to in Sub-section (1), the postal article shall not be delivered to the addressee or his/her representative; in such a situation the matter shall be resolved as prescribed by the Director General.

**Explanation:** For the purpose of this Section, "postage stamp" also includes a postage stamp of a foreign country.

**22. Authority to withheld newspaper, magazine and other objects:** (1)

The concerned postmaster<sup>29</sup> shall have authority to withheld any newspaper, magazine, book or other document, at the time of its dispatch, if there is any doubt that that is prohibited pursuant to Section 16.

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<sup>28</sup> Amended by First Amendment.

<sup>29</sup> Amended by Fourth Amendment.

(2) The concerned postmaster<sup>30</sup> shall handover the article withheld pursuant to Sub-section (1) to the officer designated by the Government of Nepal and shall also inform the addressee about such withholding.

(3) While examining the withheld articles, the official authorized by the Government of Nepal<sup>31</sup> finds that the newspapers, magazines, books or other documents are prohibited ones, he/she may issue an order if finds it appropriate; and if such official finds otherwise or it does not require to forfeit the postal article pursuant to the prevailing Nepal law, he/she may release such withholding.

Provided that,

- (a) A person concerned with the withheld postal article may submit an application to the official so authorized by the Government of Nepal<sup>32</sup> requesting the release of with-holding; and such official may issue an appropriate order in consideration of the application.
- (b) If the application for the release of withholding is rejected, the applicant may file an appeal before the Court of Appeal,<sup>33</sup> within Two months after the receipt of the notice of such rejection; and in the application submitted to the Court of Appeal,<sup>34</sup> it should have been mentioned that the withheld newspaper, magazine, books or other documents does not contain prohibited matter pursuant to Section 10.

**23.** .....<sup>35</sup>

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<sup>30</sup> Amended by Fourth Amendment.

<sup>31</sup> Amended by Fourth Amendment.

<sup>32</sup> Amended by Fourth Amendment.

<sup>33</sup> Amended by Administration of Justice Act, 2048.

<sup>34</sup> Amended by Administration of Justice Act, 2048.

<sup>35</sup> Repealed by Judicial Administration Reform (First Amendment), Act, 2033.



24. **Restriction on jurisdiction:** With regard to the order issued or action taken pursuant to Section 22, no question could be raised in any court except that is provided in the proviso (b) of Sub-section (3) of Section 22.

## Chapter-6

### **Registry, Insurance and Cash on Delivery Service**

25. **Registry of postal article:** A person sending a postal article by post may register the postal article subject to the other provisions of this Act and receive the receipt thereof. The Government of Nepal may fix the registry fee in addition to the charges required to send by normal postal service.
26. **The authority to frame Rules on the registry:** (1) The Government of Nepal may frame Rules for the registry.

(2) Without prejudice to the generality of the power conferred by Sub-section (1), such Rules particularly may provide for any of the following matters:

- (a) Provisions for the registry.
- (b) Method of paying fee (*Dastur*) for the registry.
- (c) Postal article requiring registry fee posted without such fee shall be charged double of the registry fee while delivering to the addressee or returned delivery to the sender.
- <sup>36</sup>(d) The process of tracing the lost registry and the indemnity to be paid for the lost one.

(3) The postal articles, after posted for registry, shall be delivered to the addressee or the sender on their return within the time and method of delivery as per the order issued by Director General from time to time.

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<sup>36</sup> Inserted by First Amendment.

**27. Insurance of postal article:** The Government of Nepal may issue directives on the following matters by publishing a Notification in the Nepal Gazette from time to time.

- (a) To prevent postal article from being lost and damaged in the process of dispatch from the post office, the requirement for providing insurance service and issue of receipt by the concerned post office to the person posting the article subject to the provisions of other Sections of this Act.
- (b) The additional fee for the insurance as specified in the same notice.

**28. Authority to make mandatory provisions for insurance of postal articles:** The Government of Nepal may make insurance of some postal articles mandatory as specified in the same Notice; and if any article which is to be mandatorily insured for delivery is posted without insuring, such article shall be delivered to the addressee or returned to the sender after recovering special charge in the same notice from the addressee or the sender, as specified in the same notice.

Provided that, the Government of Nepal shall not have to assume any liability for recovering such special charges.

**29. Authority of framing insurance related Rules:** (1) The Government of Nepal may frame Rules related to insurance.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), such Rules particularly may provide for any of the following matters:-

- (a) The type of postal article to be insured under Section 27.
- (b) Maximum amount of the insurance.
- (c) The method of paying insurance fee.
- (d) Indemnity to be paid to the insured postal article.

(3) After the postal articles meant for insurance are insured at the post office, the delivery and booking of such articles shall be made at such place and on such time and method as specified by the Director General, from time to time.

- 30. Liability of the Government of Nepal with regard to the insured postal articles:** Subject to the prescribed terms and conditions, if the insured postal article or the content of the insured postal article is lost or damaged at the time of dispatch, the Government of Nepal shall assume liability for indemnifying the sender of the amount not exceeding the insured value.

Provided that, the indemnity shall not have to be paid in excess of the real value of loss or damage.

- 31. Dispatch of the cash of delivery postal article:** The Government of Nepal may make following arrangements by publishing a notice in the Nepal Gazette from time to time:-

- (a) Subject to the provisions provided for in other Sections of this Act, the postal articles shall be delivered to the addressee recovering the amount quoted on the form of postal article and the recovered amount shall be sent to the sender of the postal article, and
- (b) The fee to be paid by the sender of the postal article;

Provided that, if the amount of Cash on Delivery could not be received from the addressee, the Government of Nepal shall not have to bear any liability for the same. The postal article sent pursuant to this Section shall be called Cash on Delivery postal article.

- 32. The authority to frame Rules regarding cash on delivery:** (1) The Government of Nepal may frame Rules for the dispatch of Cash on Delivery Postal Article from the posts.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), such Rules particularly may provide for any of the following matters:-

- (a) The types of postal articles that can be sent as Cash on Delivery.
- (b) Unless the sender declares that the goods being sent is as per *bona fide* order he/she has received, no postal article shall be allowed to be sent as Cash on Delivery.
- (c) The amount to be recovered after the delivery of Cash on Delivery postal article is made.
- (d) The format of description paper and time and mode of the payment of fee,
- (e) In a case of fraudulent behaviour in the amount is recovered after the delivery of cash on Delivery postal article, provision for the amount to be returned to the addressee.
- (f) To fix the fee for the delivery of cash on delivery or on the amount to be paid for cash on delivery.

(3) The name of the post office designated for the posting of Cash on Delivery, the time frame and procedure to be followed for the posting and also the name of the post office designated for the delivery of Cash on Delivery postal article, the time and procedure shall be as directed by the Director General from time to time.

(4) No complaints shall be filed or legal action shall be taken against the personnel of the Government of Nepal or the post office for any work he/she has performed or performed in good faith as prescribed in Rules made pursuant to Clause (e) of Sub-section (2) of this Section.

**33. Authority to implement provisions arranged with other**

**countries**: (1) The Government of Nepal may frame Rules to implement the provisions arranged between Nepal and other foreign countries and also the Convention of the Universal Postal Union in connection with providing exchange service of postal articles sent by ordinary post or exchange of registry, insurance and Cash on Delivery of article through the post.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), such Rules particularly may provide for any of the following matters:-

- (a) Format of the description form and procedure to be followed while filling up the description form for posting of the articles referred to in Sub-section(1) and for receiving the delivery by the addressee and,
- (b) The fee to be charged in dispatching the postal articles pursuant to Sub-section (1)

## **Chapter-7**

### **Undelivered Postal Articles**

**34. Authority to frame Rules regarding the final settlement of**

**undelivered postal article**: (1) The Government of Nepal may frame Rules to finally settle the matter of postal article that could not be delivered for any reason.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), such Rules particularly may provide for any of the following matters:-

- (a) The period for retaining postal articles in the post office from where such delivery could not be made, and

- (b) To publish the list of postal articles that could not be delivered.

(3) Postal articles that could not be delivered shall be sent by making a dispatch to the Returned Letter Section after they are retained in the post office for the period specified in the Rules framed under Clause (a), Sub-section (2) of this Section.

**35. To settle undelivered postal articles sent to the Returned Letter**

**Section:** (1) The following actions shall be taken regarding the postal articles sent to the Returned Letter Section pursuant to Sub-section (3) of Section 34:-

- (a) If possible, re-dispatch such postal articles to the addressee by post, or
- (b) If it is not so possible, the concerned personnel of that section shall open the letter secretly and note down the name and address of sender, and seal it again.

(2) If the name and address of sender is identified, the postal article shall be returned to by post without any additional charges or charging additional fees or charging any other charges or fees as fixed pursuant to the Rules framed by the Government of Nepal.

**36. Making final settlement of the undelivered postal articles:** Postal articles that could not be settled under Section 34 and Section 35, it shall be kept at the Returned Letter Section for the period, if any, specified in the Rules framed by the Government of Nepal and other actions shall be taken as per those Rules.

<sup>37</sup>Provided that-

- (a) If undelivered postal articles contain a letter, it shall be destroyed and in the case of goods that is

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<sup>37</sup> Amended by First Amendment.

incombustible and saleable or if it is cash, such goods or cash shall have to be kept in the Returned Letter Section for a period of One year, and if someone does not present claims in this period, in the case of cash itself and the proceeds from the auction of saleable goods in the form of cash shall be deposited in the treasury fund of the Government of Nepal.

- (b) In case it is a foreign postal article, it shall be treated according to the agreement, if any, the Government of Nepal has concluded with that country and if there is no such agreement then the postal article shall be disposed of as per the Convention of the Universal Postal Union.

## **Chapter-8**

### **Money Order**

#### **37. Arrangements for money order and authority to frame Rules**

**regarding money order:** (1) The Government of Nepal may arrange for the exchange of small amount sent through the post office under the provisions of money order, and frame Rules for the same.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), such Rules particularly may provide for any of the following matters:-

- (a) The maximum amount that can be exchanged through money order,
- (b) Operation period of money order, and
- (c) Commission amount for charges applicable for the money order or other matter related thereto.

<sup>38</sup>**37A. Money order operation fund:** (1) Government of Nepal may establish a Money Order Operation Fund for the purpose of making payment of the money order amount.

(2) Money Order Operation Fund shall contain the amount deposited by the Government of Nepal and other amount as prescribed.

(3) The operation of Money Order Operation Fund shall be as prescribed.

**38. Sender of the money order may ask for the return of money order and change the name of the payee:** (1) Subject to the condition on the recovery of additional commission or charges set out in the Rules framed pursuant to Section 37, the person who sent the amount by money order through the post may cause the amount to be returned to him/her in case the amount could not be paid to the addressee or to be paid to another person as per his/her instruction.

(2) In case the sender or receiver of the money order could not be traced and if either the sender or the receiver does not file a claim for the amount of money order within One year after it had been sent, no claim can be made with the Government of Nepal, after the expiry of such period.

<sup>39</sup>**39. Authority to make provisions of postal order:** (1) The Government of Nepal may, from time to time, circulate postal order in the format, as it deems fit, to enable the post to transfer the amounts as specified by the Government.

(2) The Government of Nepal may frame Rules for postal order circulated pursuant Sub-section (1) with regard to the commission rate applicable on sending, selling, cancelling or making payment of the postal order, methods to be adopted and other terms and conditions to be followed regarding the postal order.

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<sup>38</sup> Inserted by Second Amendment.

<sup>39</sup> Amended by First Amendment.



(3) The name of Post Office selling the postal order and its payment shall be fixed by the Director General from time to time by publishing a Notification in the Nepal Gazette.

**40. The authority to implement provisions arranged with foreign**

**countries**: (1) The Government of Nepal may frame Rules to implement the provisions arranged between Nepal and the foreign countries for sending Money Order and making payment through the Post Offices.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), such Rules particularly may provide for any of the following matters:-

- (a) Method and conditions to be followed while sending such order from Nepal and making payment of such order in Nepal.
- (b) Applicable commission rate for the same.

**41. Provisions in case the payment of Money Order is made to the**

**wrong person**: If a person who refuses to return the excess amount which was paid by the employee of the Post Office while making payment of the Money Order; and also if Money Order amount is paid to the wrong person by the employee of Post Office by mistake and if the person who so received refuses to return the Money Order amount, such amounts shall be recovered from these persons pursuant to Rules as a government due by the post office personnel who is authorized by the Director General. If there is a valid reason for not requiring to return such amount, the concern person should be able to submit the reason and evidence therefor.

**42. Save from the liability related to Money Order**: In the following

matters no case, complaint or claim or legal action may be brought against the Government of Nepal or any personnel of the post office:-

- (a) Anything done pursuant to the Rules framed under this Chapter, or

- (b) In the cases when wrong delivery of Money Order occurred due to the wrong or incomplete name and address of the person taking delivery of Money Order which was so provided by its sender.

Provided that, the personnel of the concerned post office shall be released from any case, complaint or claim or legal action brought against him/her even after being provided with sufficient description about the full identity of the person receiving amount of money order payment, the personnel has accepted the insufficient address and, as a result, the wrong payment was made, or

- (c) If the payment of Money Order is denied or delayed due to other normal contingent omission except intentional forgery or ulterior motive (*Gaflat*) of the Post Office personnel, or
- (d) If wrong payment of Money Order is made one year after the Money Order had been sent, or
- (e) If any personnel of any other post office outside the control of the Government makes wrong payment of Money Order outside Nepal.

#### <sup>40</sup>Chapter-8A

### **Provision Relating to Savings Bank**

**42A. Post Office Authorized to Function as a Savings Bank:** The Government of Nepal shall designate any Post Office to operate the function of providing banking facilities to the persons desirous to deposit small amounts.

**42B. The authority to frame Rules related to Savings Bank:** (1) For the purpose of Section 42A, the Government of Nepal may frame Rules in consultation with the Ministry of Finance and Nepal Rastra Bank (Central Bank).

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<sup>40</sup> Inserted by First Amendment.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), such Rules particularly may provide for any of the following matters:-

- (a) The maximum threshold of amount that may be deposited in the Savings Bank,
- (b) Interest rate for the amount deposited in the Savings Bank,
- (c) Method and operating system to be followed while providing Savings Bank facilities to the Minor, Unmarried or Widow Women,
- (d) Un-operated/ dead Account and the facility to transfer the Account,
- (e) Other provisions related to Savings Bank.

## **Chapter-9**

### **Penalties and Work System**

**43. Penalties to the mail runners or carrier of postal articles or**

**persons employed in the delivery for misconduct:** Persons employed for carrying mail bags or postal articles for delivery shall be liable for a fine upto One Thousand Rupees<sup>41</sup> for committing the following acts:-

- (a) Lying intoxicated (*Besur*) under the influence of intoxicating substance at work, or
- (b) Committing negligence or misconduct causing risk to the security of the mailbags or postal articles,
- (c) Delaying in transportation or delivery of the mailbags or postal articles or roaming around to delay such activities.
- (d) Not putting due care and efforts to safely transport and deliver post bags and postal articles

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<sup>41</sup> Amended by Second Amendment.

- 44. Penalties to the persons engaged in the transport or delivery of mailbags or postal articles for leaving work on his/her own without taking permission or without giving notice:** At the time of dispatch from the post, if the person engaged in the transportation or delivery of mail bags or postal articles leaves his/her office on his/her own or without giving One month prior notice; such a person shall be liable for a fine upto One Thousand Rupees.<sup>42</sup>
- 45. Penalty to the person engaged in the transport or delivery of postal article, for registering false statement:** At the time of dispatch from the post, person engaged in the transport and delivery of postal article or a person with the duty to record work in the book, records or causes to record any false statement in the book with the intention to make some one believe that he/she has visited the place though he/she has never visited or has delivered the postal article though he/she has never delivered; such a person shall be liable to a fine upto One Thousand Rupees.<sup>43</sup>
- 46. Penalties in the event of theft, embezzle, concealing, destroying or throwing, etc; of the postal articles:**<sup>44</sup>(1) In the process of dispatching, if the personnel of Post Office or the person or organization or other person engaged in the conveyance of mail steals, removes, throws, embezzles or conceals with any intention or causes damages to mailbag or its content, upon recovering the value from him/her; such a person shall be liable for an imprisonment of Five years or a fine upto Five Thousand Rupees or the both.
- (2) If the personnel, designated to collect postal article brought for posting in the Post Office receives money from someone for affixing postage stamp in the post office or outside, does not affix postage stamp on

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<sup>42</sup> Amended by Second Amendment.

<sup>43</sup> Amended by Second Amendment.

<sup>44</sup> Amended by Second Amendment.

the mail article and embezzles such amount, the same amount shall be recovered from him/her and; such a person shall be liable for an imprisonment upto One year or a fine upto Five Hundred Rupees or the both.

- 47. Penalties for opening, withholding or delaying transport or delivery of postal articles:** If a personnel of the post office, in contrary to his/her duty, in the course of dispatch, opens or causes to open or knowingly withholds or causes delays on delivery of the postal articles, such a person shall be liable for an imprisonment upto One year or a fine upto Five Hundred Rupees or the both.

Provided that,

No provision of this Section shall be applicable in a case where any postal article is opened, withheld or delayed in transportation or delivery under the authority of this Act or on the written order of the Government of Nepal or as per the directives of the competent court.

- <sup>45</sup>**47A. Penalties for causing obstacle in the transport of mail:** If someone causes obstacles in the course of transporting mail he/she shall be liable for a fine upto Two Thousand Rupees.<sup>46</sup>

- 48. Penalties for charging excess postage stamps and forging Government symbol:** A Personnel of post office shall be liable for an imprisonment upto One year or a fine upto Five Hundred Rupees or both for committing any of the following offence:

- (a) If false Government symbol is put on the postal article fraudulently,  
or
- (b) If the Government symbol put on the postal article is changed, or removed or rubbed fraudulently, or

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<sup>45</sup> Inserted by Second Amendment.

<sup>46</sup> Amended by Fourth Amendment.

- (c) If any amount of the postage stamp for the postal articles is demanded or received against the provision of this Act while engaged in the job of delivering postal articles.

**49. Penalties for making forged documents, alterations, concealing or**

**destroying therefor:** If someone prepares documents fraudulently<sup>47</sup> or makes alterations or destroys or conceals any document, he/she shall be liable for an imprisonment upto Two years or a fine upto One Thousand Rupees or the both.

**50. Penalties for sending postal articles without postage charge**

**fraudulently:** If a personnel of the post office dispatches any postal article without postage charge or without recovering due postage charge with the intention of forgery or inserts into the postal bag, he/she shall be liable for an imprisonment upto Two years or a fine upto One Thousand Rupees or the both.

**51. Penalties for violating Section 3:** (1) If anyone commits any of the following offences, he/she shall be liable for a fine of Twenty Five Rupees for every letter related to such offence:-

- (a) To convey any letter falling under the monopoly of the Government of Nepal pursuant to Section 3 by using any other means other than the post office, or
- (b) To do any other act related to conveying any letter falling under such monopoly, other than the post office, or
- (c) To send, hand over to send or deliver any letter falling under such monopoly by any means other than the post office, or

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<sup>47</sup> Amended by Fourth Amendment.

- (d) To collect letters for sending by means other than the post as referred to in the Clauses (a), (b) or (c) of Section 3.

(2) A person, after being proven guilty of the offence, again commits the same (similar) offence; shall be liable for a fine upto Fifty Rupees for each offence.

- 52. Penalties for violating Section 4:** (1) If a person conveys, obtains, gives to send or effects the delivery of postal articles, violating Section 4, such a person shall be liable for a fine upto Fifty Rupees for each letter.

(2) A person, after being proven guilty of the offence, again commits the same (similar) offence, shall be liable for a fine Two Thousand Rupees for each offence.

- 53 Penalties for violating Rules made under Section 13:** (1) Any person, appointed to sale postage stamps sells them at more than the price fixed by the Rules framed under Clause (a) of the Sub-section (2) of Section 13; after recovering the excess amount from him/her, he/she shall be liable for a fine upto One Thousand Rupees.<sup>48</sup>

(2) If a person violates any other Rule framed under Section 13, he/she shall be liable for a fine upto Two Hundred Rupees.

- 54. Penalties for violating Section 16 or Section 17:** (1) If a person sends or gives for dispatch any postal article or any other object by violating Section 16 or Section 17, he/she shall be liable for an imprisonment upto One year or a fine upto Five Hundred Rupees or the both.

(2) Even if the postal article alleged of being sent in violation of Section 16 or Section 17 are withheld in the post office, the sender may take action assuming that the articles are delivered in the appropriate time of the post office.

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<sup>48</sup> Amended by Second Amendment.

- 55. Penalties for damaging the letter box:** If a person puts fire, matches or *Batti* (fire item/lamp) or explosives, dangerous item, rubbish or harmful object or liquids or defiles the letter box or commits any other act causing harm to the letter box or its part or any content within it; he/she shall be caused to repair the damaged letter box, and shall also be liable for a fine upto Five Hundred Rupees.<sup>49</sup>
- 56. Penalties for de-figuring the post office or letter box:** A person, who de-figures a post office or letter box erected for the purpose of posting postal articles, by pasting or putting any advertisement, notice, list, written text, board or any other object or by painting or by any other means, he/she shall repair the de-figured letter box and shall also be liable for a fine upto Five Hundred Rupees.<sup>50</sup>
- 57. Penalties for filling up false descriptions:** If a person responsible for filling up any description fills up the description intentionally with false information regarding any postal article or content or value related to it; such a person shall be liable for a fine upto One Thousand Rupees.<sup>51</sup>
- <sup>52</sup>**58. Penalties for with-holding or opening the mail or causing the mail bags to be wet or delaying the delivery of mail:** If a person, except as otherwise provided in this Act or order of the Government of Nepal or competent official or competent court, interrupts, opens or causes the mail bag to become wet or prevents postal articles in the process of dispatch before arriving at the destination in any pretext, such person shall be liable for an imprisonment upto Three months or a fine upto Five Hundred Rupees or the both.

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<sup>49</sup> Amended by Fourth Amendment.

<sup>50</sup> Amended by Fourth Amendment.

<sup>51</sup> Amendment by Second Amendment.

<sup>52</sup> Amended by Second Amendment.



**59. Penalties for keeping wrongly delivered postal article or mail bag**

**with oneself:** If a person keeps any postal article or mail bag to be delivered to any other person, with oneself fraudulently or conceals or throws away or withholds knowingly, or does not return following the order of the personnel of the post office or denies return delivery, such a person shall be liable for a fine upto Two Thousand Rupees.<sup>53</sup>

**60. Penalties for creating obstruction on the delivery of letter:**

If someone opens or causes to open or creates obstruction to a letter to be delivered with an intention to cause harm to any other person, he/she shall be liable for a fine upto One Thousand Rupees.<sup>54</sup>

Provided that, if the addressee is a minor or has been living under the guardianship of any other person, this Section shall not apply to any of the aforesaid acts committed by the father, mother or guardian of the addressee.

**61. Penalties for erasing the document bearing the postage stamp or**

**removing the postage stamp affixed on the document:** If someone, fraudulently or with an intention of causing harm to the Government of Nepal, erases or removes the postage stamp from the document in such a way that the postage stamp affixed on the document could be used in any other document for the purpose of that document, such a person shall be liable for an imprisonment upto Three years or a fine of upto One Thousand Rupees or the both.

<sup>55</sup>**61A. Penalties for removing postage stamp:** If a personnel of the post office or a person engaged in the transportation of mail steals, removes, throws away or destroys by any means the postage stamp affixed on postal

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<sup>53</sup> Amended by Second Amendment.

<sup>54</sup> Amended by Second Amendment.

<sup>55</sup> Inserted by Second Amendment.

articles, he/she shall pay the amount equal to the stamps and shall also be liable for a fine upto One Thousand Rupees or the both.

**62. Penalties for using already used postage stamp:** In case a person fraudulently or with a *mala fide* intent to cause harm to the Government of Nepal re-uses a postage stamp<sup>56</sup> known to have been used already, the amount equivalent to the damage caused to the Government shall be recovered from such person and a fine upto Two Thousand Rupees shall also be imposed on him/her.<sup>57</sup>

**63. Penalties for erasing the Government symbol on the postage stamp:** If a person fraudulently or with a *mala fide* intent to cause harm to the Government of Nepal, erases the Government symbol that is used to indicate that the postage stamp was cancelled earlier; and keeps with oneself such a tampered postage stamp, or sells it.....<sup>58</sup> such a person shall be liable for an imprisonment of Three years or a fine upto One Thousand Five Hundred Rupees or the both.

<sup>59</sup>**64. Additional penalties related to postage stamp or postage article:** If someone, in the course of dispatching from the post, commits theft, dacoity, forgery or fraud (*Kirte Jalsaji*) of postal article, postage stamp, postal order or International Reply Coupon (*Jawafi Patra*), he/she shall be liable an for imprisonment upto One year or a fine upto One Thousand Rupees or the both in addition to the punishment prescribed by the prevailing Nepal Law for such offence.

**65. Penalties prescribed for attempt or incitement to commit an offence:** A person who attempts or incites to commit an offence as referred to in this Act he/she shall be liable for a penalty what it is to be imposed to the person who commits such an offence.

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<sup>56</sup> Amended by First Amendment.

<sup>57</sup> Amended by Second Amendment.

<sup>58</sup> Deleted by First Amendment.

<sup>59</sup> Amended by First Amendment.

**66. To be sufficient to prove the property of Post Office:** While filing a case in relation to any offence committed in connection with postal articles or mail bag sent by post, whether or not the object has value, it shall be sufficient to prove that they are the property of the post office.

**67. Government to be the plaintiff in a case under this Act:** The Government shall be the plaintiff in a case arising out of the offence pursuant to this Act.

<sup>60</sup>**68.** .....

<sup>61</sup>**68A. Authority to hear the case:** (1) An action against the case related to the offence as referred to in Sections 43, 44, 45, 47A, 51, 52, 53, 55, 56, 57, 59, 60, 61A, 62 shall be heard and disposed of by the Regional Director.

(2) The Adjudicating Authority responsible to hear the case pursuant to Sub-section (1) shall have the same authority as that of the District Court.

<sup>62</sup>(3) An appeal against the decision of the Regional Director pursuant to Sub-section (1) may be filed before the Court of Appeal<sup>63</sup> of the zone where the concerned Postal Directorate is situated.

(4) While trying a case related to postal offence, the District Court, if the concerned accused is found to have committed other crimes as referred to in Sub-section (1), shall also try and settle the case related to such offence.

(5) While investigating the postal offence, if the same person is found to have committed more than one offence or if different persons are found to have committed more than one offences or if different persons are found to have committed different offences in one postal article, if the authority to hear such offence falls under the jurisdiction of a different

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<sup>60</sup> Repealed by Judicial Administration Reform (Fourth Amendment) Act, 2043.

<sup>61</sup> Inserted by Second Amendment.

<sup>62</sup> Amended by Third Amendment.

<sup>63</sup> Amended by Administration of Justice Act, 2048.

Regional Directors, the authority to try and settle the case related to such offence shall lie on the Regional Director<sup>64</sup> under whose jurisdiction the post office delivering the postal article is located.

(6) If different offences related to postal offence committed by a person or if the jurisdiction of the case related to one of the different offences committed by different persons falls under the Regional Director; and if the case related to any offence falls under the jurisdiction of District Court, the authority to hear and dispose of the case shall lie in the District Court of the district where such postal articles have been delivered.

<sup>65</sup>68B. ....

## Chapter-10

### Miscellaneous

**69. The authority to frame other Rules:** The Government of Nepal may also frame other Rules for the implementation this Act and if anything written in these Rules is transgressed, it may make arrangement to make provision of a fine upto Five Hundred Rupees.<sup>66</sup>

<sup>67</sup>**70. Delegation of authority:** (1) The Government of Nepal may delegate authority to exercise some or all the authority vested on it by the Director General except the authority to frame Rules as authorized to it under this Act.

(2) The Director General may delegate any authority conferred on it pursuant to Sub-section (1) to the Regional Director or any other officer<sup>68</sup> with the approval of the Government of Nepal.

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<sup>64</sup> Amended by Third Amendment.

<sup>65</sup> Deleted by Fourth Amendment.

<sup>66</sup> Amended by Fourth Amendment.

<sup>67</sup> Amended by First Amendment.

<sup>68</sup> Amended by Fourth Amendment.

- 71. Repeal:** The Nepal Law which is repugnant to this Act or the Rules, orders or Notifications framed or issued under this Act shall be deemed to have been repealed or amended accordingly.

NEPAL LAW COMMISSION