

Response of the Government of Nepal
on
the Questionnaire related to Human Rights Council resolution 29/10 on “Human Rights
and the regulation of civilian acquisition, possession and use of firearms”

1. The Government of Nepal (hereinafter referred as the GoN) has regulated the acquisition, possession and use of firearms and ammunition since 1962 by enacting Fire Arms and Ammunition Act, 1962 (hereinafter referred as the Act) and its Regulation, 1971 (hereinafter referred as the Regulation). These legislations have regulated but not totally restricted the possession of firearms and ammunition by the civilians. The legislations prohibit production of cannon, machine gun and arms and ammunition, keeping arms in one's possession or putting or making arrangement to put such arms and ammunitions in other places, converting from one shape to another and selling without license. Similarly, the legislations prohibit carrying arms without license. The Act empowers the concerned official to arrest any person who has arms and ammunition, with or without a license, with the intention of committing any illegal act. Pursuant to the Act, any person who intends to obtain license in order to possess arms must submit an application in the prescribed format and pay the prescribed fee to the Chief District Officer. After the submission of application, if the Chief District Officer finds justifiable reasons to issue the license with the conditions as written in the application, may issue a license in the prescribed format to the applicant with the prescribed terms and conditions. The Act provides for the provision on the suspension or cancellation of the license for the sake of public order, peace and security.
2. Private security companies do not possess legal authority to acquire, possess or use firearms under the prevailing Act and Regulation. However, the Act and Regulation do not restrict any person who has lawfully possessed the arms or ammunition for private use from selling them to any other eligible person who is not prohibited by the existing law to possess such arms or ammunition.
3. The Act restricts the import and export of the firearms intended for civilian use. Section 4 of the Act states that:
 - a. No one shall bring cannon or machine gun into Nepal from abroad or take out of Nepal to abroad, or bring into or take out from one district to another inside Nepal.
 - b. No one shall bring the arms and ammunition into Nepal from abroad or take out of Nepal to abroad, or bring into or take out from one district to another inside Nepal without a license, or contrary to the terms and conditions as specified in the license.
4. The GoN has not made any sort of regional or international commitment related to the regulation of civilian acquisition, possession or use of firearms.

5. The Regulation allows following types and characteristics of firearms and ammunition, with prescribed limitations, for civilian purpose:

	Type of Arms	Total quantity of Ammunition legally allowed	Permissible quantity for annual demand or import from abroad
1	12, 16, 20, .410 gauge (bore) Short Gun	200	100
2	Bullet of 22 bore Rifle	200	200
3	Muzzle loaded Gun (<i>Bharuwa</i>)	1. Cape – 200 2. Gunpowder– 2 kg 3. Small pieces of lead – 2 Kg	1. Cape – 100 2. Gunpowder – 1 kg 3. Small pieces of lead–1 Kg
4	Air Gun	2000	2000
5	Round filling machine for Short Gun	1	1
		1. Cape -100 2. Gunpowder– 1 kg 3. Short – 1 Kg	1. Cape -100 2. Gunpowder– 1 kg 3. Short – 1 Kg
6	Machine (To make Pellet of Air Gun)	1	1
	Pellet	1 Kg	1 Kg

6. Section 2(a), 2(b), and 2(c) of the Act categorize the firearms and ammunition into 4 types. They are:
- "Cannon" includes all kinds of cannon, mortars and its parts, the vehicles to be used for transporting and mounting such cannons and the machinery which manufactures such cannon.
 - "Machine Gun" includes brengun, luis gun, station machine carbine, tomson machine carbine and the automatic weapons of similar categories and the parts, the vehicles to be used for transporting and mounting such guns and the machinery which manufactures such machine guns.
 - "Arms" includes the rifle, gun, pistol, revolver, mining and grenade, their parts and the machinery which manufactures such arms.
 - "Ammunition" includes fugsignal fuse (Dhumika Sanket), gun powder, cap, the ball of a gun, shells, detonator, *cartus*, similar types of explosives and other ammunitions.
7. Pursuant to the prevailing laws, including Police Act, 2012, Army Act, 2006, and Armed Police Act, 2000, Army Personnel, Police Personnel and the Personnel of Armed Police Force are allowed to lawfully possess and use firearms. Similarly, civilians holding lawful license may also possess firearms subject to the terms and conditions specified in the license.

- a. Section 10 of the Act mentions the provisions required for the issuance or renewal of license or a certificate to acquire, own/possess or use firearms:
 - (1) Any person shall, for acquiring the license under this Act, submit an application in the prescribed format with prescribed fee to the Chief District Officer.
 - (2) After the receipt of application, if the Chief District Officer finds justifiable reason, he/she may issue a license to the applicant with prescribed terms and conditions.
 - b. Before issuing license, the Chief District Officer shall inquire into the following matters:
 - i. Age and mental health of the applicant.
 - ii. Character of the person.
 - iii. Past case of conviction on the charge of grave criminal offence, if any.
 - iv. Involvement of the person in violent political activities.
 - v. Conduct of the person.
 - vi. Whether the person has any track record of violation of the terms and conditions mentioned in the license provided to him/her.
8. Section 5 of the Arms and Ammunition Act, 1962 prohibits civilians carrying arms without license. Sub-Section 1 of this section states that “No person shall carry arms without a license or contrary to the terms and conditions as specified in the license.” So, civilians having license may, subject to the terms and conditions specified in the license, carry firearms in public places also.
9. Civilians may possess firearms only on condition that he/she acquires license for the said purpose from the competent authority. The person holding license to possess firearms must fulfill specific legal duties and responsibilities including to keep and carry the firearms in a safe manner, and report to the concerned authority in case of loss or theft.
10. Section 15 of the Act has put provision to maintain the personal records of the civilian having the license and the inventory of the arms which the person possesses. The Chief District Officer is mandated to maintain such records.
11. The provision of Section 3, sub-section 2 of the Act allows a civilian who has license to possess firearms to sell or transfer the firearms to another eligible person who is not prohibited to possess such arms or ammunition.
12. Prevailing legislations do not permit any private entities to buy and sell firearms to civilians in the domestic market.
13. The Police and the Chief District Officers are empowered to monitor the civilian access to firearms and enforce the legislations concerning the arms and ammunitions. As per the Act, the punishment for following activities are as follows:
- a. Illegal possession – from three months to nine months of imprisonment or a fine of twenty-five thousand to sixty thousand rupees.

- b. Possession of prohibited firearms or of a number of firearms exceeding what the law allows – from six months to one-year imprisonment or a fine of sixty thousand to one hundred thousand rupees, or both.
 - c. Lack of permission or license required for possessing a firearm – from six months to one-year imprisonment or a fine of sixty thousand to one hundred thousand rupees, or both.
14. The data of misuse of firearms are recorded in every district police office and action is taken against the license holder who misuses the firearms contrary to the provisions of legislations and license granted.
15. Main impacts of misuse of firearms are threat to life of human beings as well as wildlife, potential disruption of economic activities, and maintenance of law and order.
16. Legal actions, monitoring, public awareness programmes, security awareness at checkpoints and patrolling of security personnel in the suspected areas are in place to minimize risk of misuse of firearms.
17. The Act and Regulations are effective legislative and regulatory arrangements of the GoN to protect the right to life and security of person in Nepal from the threat of misuse of firearms and ammunitions. These legislations provide control mechanism over the illegal possession and use of firearms by civilians. The legislative mechanism is effective to regulate the use of firearms by civilians. The GoN is effortful to fully implement such legislations for protection of the right to life and security of person.