

Interpretation of Laws Act, 2010(1954)

Date of Authentication

2010.10.7

Date of Publication

2011.10.25(Feb.7, 1955)

Amendments

Date of Authentication

Date of Publication

1. Interpretation of laws (Amendment) Act, 2011	2011.12.1	2012.3.6
2. Some Nepal Acts (Amendment Rearrangement) Act, 2020	2020.11.16	202.11.16
3. Repeal and Amendment Act, 2022		2022.12.10
4. Some Nepal Acts Amendment Act, 2053	2053.8.12	2053.8.12
5. Some Nepal Laws Amendment Act, 2063	2063.6.28	2063.6.28
6. Some Nepal Acts Providing for Gender equality Amendment Act, 2063		2063.7.17

An Act Providing for the Interpretation of Nepal Laws

[Preamble][⊕] :Whereas, it is expedient to provide for authentic definition of some legal words and phrases.

Now, therefore, be it enacted and promulgated upon exercising the state power and Royal Privileges by His Majesty the king

1. **Short Title:** This Act may be called "Interpretation of laws Act 2010"
2. **Definitions:** In this Act and other Acts prevailing in Nepal, unless the subject or context otherwise requires;
 - (a) 'Act (act)' – "act" used with reference to an offence or a civil wrong shall include a series of acts, and words which refer to acts does extend also to illegal omissions.
 - (b) "Chapter" means a Chapter of the Act/Enactment in which the word occurs.

[⊕] The word 'Preamble' does appear in this Act.

- (c) "Commencement" used with reference to an Act/Enactment shall mean the day on which the Act/Enactment comes into force.
- (d) "Document" shall include any matter written, expressed or described upon any substance by means of letters, figures, marks or by more than one of those means which is intended to be used or which may be used, for the purpose of recording that matter.
- (e) "Act"/"Enactment" this expression shall mean an Act/Enactment or *sawal* and any provision contained in any Act/Enactment or *Sawal*.
- (f) "Father" in the case anyone permitted for adoption pursuant to the law, shall include the adoptive father.
- (g) Financial Year- shall mean the year commencing on the first day of SHARAWAN.
- (h) A thing shall be deemed to be "done in good faith" where it is in fact done honestly, whether it is done negligently or not.
- [∇](i) "Government of Nepal" means-
 - (a) His Majesty the King, who acted with the advice of the Ministers when there existed a cabinet pursuant to the Interim Constitution of Nepal; and with the advice of members of council of Ministers when cabinet was not in existence in relation to functions performed from the date of commencement of Interim Constitution to *Ashad* 15, 2016 B.S.;
 - (b) His Majesty the King who acted in recommendation of the cabinet or in recommendation of Minister so authorized by the Prime Minister to act upon accordingly in any issue pursuant to the Constitution of the Kingdom of Nepal and by exercising the other powers mentioned in the said constitution in the case when

[∇] Amended by the Some Nepal Acts (Amendment Rearrangement) Act,2020

cabinet was not in existence, in relation to the functions performed or to be performed from *Ashad* 16, 2016 B.S. to the last day of *Mansir* 2019 B.S.

♥(c) His Majesty the King, who acted with the advice of the council of Ministers pursuant to the Constitution of Nepal or upon excising the powers mentioned in Article 81A of the said constitution in the time of Emergency in relation to the functions performed or to be performed from *Poush* 1, 2019 B.S. to *Kartik* 22, 2047.

* (d) His Majesty the King and council of Ministers who exercised the executive powers of the kingdom of Nepal pursuant to the Constitution of the Kingdom of Nepal 2047 (1990).

™ (e) The Council of Ministers who exercised the executive power of Nepal pursuant to the Constitution of the Kingdom of Nepal 2047, Declaration of the House of Representatives, 2063 and the prevailing laws for the acts done or to be done since 4th *Jestha* 2063.

∇ (j) Words mentioned in relation to His Majesty the King –

(a) Regarding the functions performed before 16 *Ashad* 2016.

1. The Council of Regency Constituted pursuant to Council of Regency Act 2010 (1954) and Council of Regency Act 2011 (1955).

♥ Amended by the Some Nepal Acts Amendment Act, 2053

* Amended by the Some Nepal Laws Amendment Act, 2063

™ Inserted by the Some Nepal Laws Amendment Act, 2063

∇ Amended by the Some Nepal Acts (Amendment Rearrangement) Act, 2020

2. The Crown prince who performed the functions upon exercising the authority granted by His Majesty the king on 7th *Falgun* 2007 and Royal prorogating, and
 3. Royal Representative appointed pursuant to Royal Authority Delegation Act, 2012 (1956), and
- (b) A person who exercised or who was authorized to exercise the powers of His Majesty the king Pursuant to the Constitution of the kingdom of Nepal regarding the functions performed or to be performed from 16th *Ashad* 2016 to the last day of *Mansir* 2019.
- ♥ (c) *Rajaya Sahayak* or *Rajaya sahayak Parisad* pursuant to the Constitution of Nepal or person or persons exercising authority under Article 22 A of the said Constitution regarding functions Performed or to be performed from 1st Poush 2019 B.S. (Dec.16,1962) to 22nd *Kartik*, 2047 B.S.(Nov.8,1990)
- Σ(d) "The *Rajya Sahayak* or *Rajya Sahayak Parisad* pursuant to Article 34 or Raj Pratinidhi or *Raj Pratinidhi parishad* pursuant to Clause (2) of Article 32 of the Constitution of the Kingdom of Nepal 2047 for the acts done or to be done since 23rd *Kartik* 2047.
- (k) "Immovable Property" shall include land, benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.

♥ Amended by the Some Nepal Acts Amendment Act, 2053

Σ Inserted by the Some Nepal Acts Amendment Act, 2053

- [∇] (l) "Nepal Act" means any Act promulgated by His Majesty the king after *Falgun 7* of 2007 B.S. (Feb.18,1951), and any "Act" made in accordance with the Interim Constitution, 2007, (1951) Constitution of Kingdom of Nepal, 2015 (1959) Constitution of Nepal 2019 (1962) Constitution of Kingdom of Nepal 2047 or TMConstitution of Kingdom of Nepal, 2047 and Declaration of the House of Representatives, 2063.
- (m) "Nepal Law" shall means any Nepal Act or any Enactment, *Sawal* Rules/Regulation, order or By-laws to be implemented as good as laws in any part of Nepal.
- (n) "Month" shall mean a month reckoned from *Sankranti* (First day) according to the Nepalese *Panchanga* (Calendar).
- (o) "Movable Property" shall mean property of every description except immovable property.
- (p) "Oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing.
- (q) "Offence" shall mean any act or omission made punishable by any law for the time being in force.
- (r) "Part" shall mean a part of the Act/Enactment in which the word occurs.
- (s) "Person" shall include any company or association or body of individuals, whether incorporated or not.

[∇] Amended by the Some Nepal Acts (Amendment Rearrangement) Act,2020

TM Inserted by the Some Nepal Laws Amendment Act, 2063

- (t) "Prescribed" means prescribed in or as prescribed by the Rules framed under any Act in case the expression "Prescribed" in being mentioned in any 'Act'/Enactment'.
- (u) Rules/Regulation shall mean a Rule made in exercise of a power conferred by an Act /Enactment, and shall include a by-law made as good as rule/regulation made under any act/enactment.
- (v) "Schedule" shall mean a schedule to the Act /Enactment in which word occurs.
- (w) "Section" shall mean a Section of the Act/Enactment in which the word occurs.
- (x) "Sign" with its grammatical variations and cognate expression, shall, with reference to a person who is unable to write his/her name, include 'finger print' (mark) with its grammatical variations and cognate expressions.
- (y) "son" shall include an adopted son in the case of anyone who is permitted for adoption.
- TM(y1) "Daughter" shall include an adopted daughter in the case of anyone who is permitted for adoption.
- (z) "Sub-section" shall mean a Sub-section of the Section in which the word occurs.
- (aa) "Will" shall include a codicil and every writing making a voluntary posthumous disposition of property.
- (ab) "Writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form.

TM Inserted by the Some Nepal Laws Amendment Act, 2063

(ac) "Year" shall mean a year reckoned according to the Nepalese *Panchanga* (Calendar) that is which starts from *Sankranti* (First day) of *Baisakh*.

3. Regarding , the date of commencement of the Act: In case the date of commencement is not mentioned in any Act/Enactment, it shall be as followings:

(a) From the Date of Approval of His Majesty the king regarding the Act/Enactment made pursuant to the Interim Constitution of Nepal 2007.

(b) From the date of Authentication by His Majesty the King in case of other Nepal Acts/Enactments TM upto 3rd *Jestha* 2063 B.S.

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TM (c) From the Date of authentication by the speaker of the House of Representatives in relation to the Acts//Enactments made after 4th *Jestha* 2063.

Provided that, No one shall be punished for any Commission or omission of any punishable act committed or omitted before the publication of those Acts/Enactments in the Nepal Gazette.

4. Effect of Repeal: Where any Nepal Act repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not-

(a) **revive anything not in force or existing at the time at which the repeal takes effect;**

TM Inserted by the Some Nepal Laws Amendment Act, 2063

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- (b) affect the previous operation of any Act/Enactment so repealed or anything duly done or suffered thereunder; or
- (c) Affect any right, privilege obligation or liability acquired accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act/ Enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege obligation. liability, penalty forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed of if the repealing Act/ Enactment had not been passed.

5. **Repeal of Act making textual amendment in Act or Rules/Regulation/bye laws** : Where any Act repeals any enactment by which the text of any Act or Rules/Regulation/bye law was amended by the express omission, insertion or substitution of any matter, then unless a different intention appears the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.
6. **Revival of Repealed Enactments** : For the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.
7. **Construction of References to Repealed Enactments** :Where this Act or any other Nepal Act repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

8. **Commencement and Termination of Time** : In any Nepal Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word “from”, and, for the purpose of including the last in the series of days or any other period of time, to use the word .
9. **Reckoning of Time** : Where by any Nepal Act, any act or proceeding is directed or allowed to be done or taken in any court or office on a certain day or within on prescribed period, then, if the court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time, if it is done or taken ^Σon the first day afterwards on which the court or office in open.
10. **Measurement of Distance** : In the measurement of any distance, for the purpose of any Act, unless a different intention appears, be measured in a straight line on a horizontal plane.
11. **Duty to be Taken prorata in enactments** : Where, by any enactment now in force or hereafter to be in force, any duty, excise, or tax in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.
12. **Gender and Number** : In all Nepal Acts, unless there is anything repugnant in the subject or context-
 - 1) Words importing the masculine gender shall be taken to include the females,
 - 2) Words in the singular shall include the plural, and *vice versa*.
13. **Binding to the Government of Nepal**: Any Act of Nepal :

^Σ Inserted by the Some Nepal Acts Amendment Act, 2053

- (a) ~~*~~
- (b) **Shall not be construed imposing any tax, liability or burden to the Government of Nepal unless it is so mentioned expressly.**
14. **Powers conferred to be Exercisable from Time to Time:** Where, by any Nepal Act, any power is conferred, then, unless a different intention appears, that power may be exercised a from time to time as occasion requires.
15. **Power to appoint to include power to appoint ex-officio:** Where, by any Nepal Act, a power to appoint any person to fill any office or exercise any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act may be made either by name or by virtue of office.
16. **Power to Appoint to include power to suspend or Dismiss :** Where, by any Nepal Act, a power to make any appointment is conferred in any post or for any task, then, unless a different intention appears, the authority having, for the time being, power to make the appointment shall also have power to suspend or dismiss any person, whether by itself or, or any other authority in exercise of that power.
- TM 16A. **Power to do maximum penalty include remission:** Where, by any Nepal Act, a power to move an action or to do any penalty is conferred to any Authority, then, unless a different intention appears or it is otherwise expressly provided, such Authority shall have power to move for soft action or to do less penalty.
17. **Substitution of Functionaries :** In any Nepal Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention

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the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

18. **Successors** : In any Nepal Act, it shall be sufficient for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.
19. **Subordinates Under the Official Chief** : In any Nepal Act, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an official shall apply to the deputies or subordinates lawfully performing the duties of that office, in the place of their superior, to prescribe the duty of the superior.
20. **Construction of Notification (orders) etc. issued under Enactments:** Where, by any Nepal Act, a power to issue any Notification, order, Scheme, Rule, form or by-law is conferred, then expressions used in the notification order, scheme, Rule, form or by-law, if it is made after the commencement of this Act, Shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act or bye-laws conferring the power.
21. **Power to Issue, to Include power to add to, amend, vary or rescind Notifications, orders, Rules or by-laws:** Where, any Nepal Act, a power to issue any notifications, orders, Rules or by-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions, if any, to add to, amend, vary or rescind any Notification, Orders, Rules or By-laws so issued.
22. **Making of Rules or By-laws and Issuing of Orders between passing and commencement of Enactment :** Where, any Nepal Act, which is not to come into force immediately ^{*}**on the passing** thereof, a power is conferred to make

* Amended by the Some Nepal Laws Amendment Act, 2063

Rules or By-laws, or to issue orders with respect to the application of the Act or with respect to the establishment of ^{*}any court or office or the appointment of any judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which or the fees for which, anything is to be done under the Act, then that power may be exercised at any time after the passing of the Act or Regulation, but Rules, By-laws or orders so made or issued shall not take effect till the commencement of the Act.

23. Provisions applicable to making of Rules or By-laws after Previous publication : Where, by any Nepal Act, a power to make Rules or by-laws is expressed to be given subject to the condition of the Rules or By-laws being made after previous publication, then the following provisions shall apply, namely,
1. The authority having power to make the Rules or By-laws Shall, before making them, publish a draft of the proposed Rules or by-laws for the information of persons likely to be affected thereby;
 2. The publication shall be made in such manner as that authority deems to be sufficient, or if the condition with respect to previous publication so requires, in such manner as the Government of Nepal prescribes;
 3. There shall be published with the draft a notice specifying a date on or after which the draft will be taken into considerations;
 4. The authority having power to make the Rules or By-laws, and where the Rules or By-Rules are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make Rules or By-laws from any person with respect to the draft before the date so specified;

* Amended by the Some Nepal Laws Amendment Act, 2063

5. **The Publication in the official Gazette of a Rules or by-laws purporting to have been made in exercise of a power to make Rules or By-laws after previous publication shall be conclusive proof that the Rule or By-law has been duly made.**
24. **Continuation of Orders etc, issued under Enactments repealed and re-enacted :** Where any Nepal Act, after the Commencement of this Act, repealed and re-enacted with or without modification, then , it is otherwise expressly provided, any appointment, notification, order, scheme, Rule, form or By-laws made or issued under the repealed Act or Regulation shall, so far as it is not inconsistent with the provisions re-enacted, confine in face, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or Bye-law made or issued under the provisions so re-enacted.
25. **Provision as to offences Punishable under two or more enactments :** Where an act or Omission Constitutes an offence under two or more enactment then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be published twice for the same offence.
26. **Meaning of Service by post:** Where any Nepal Act, authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the documents, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

27. **Citation of Enactments** : (1) In any Nepal Act or Rule/ Regulations, any By-law Instrument or document made under or with reference to, any such Act or Rule/ Regulation, any enactment may be cited by reference to the title or short title by any, conferred thereon or by reference to the number and year thereof and any provision in an Enactment may be cited by reference to the Section or Sub-section of the enactment in which the provision is contained.

(2) In this Act and in any Nepal Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as terming the beginning and as forming the end of the portion comprised in the description or citation.

28. **Interpretation of the previous Acts** :

(1) The words *Shree 3 Maharaj, Mukhtihar or Talukwala* mentioned in laws made before 7th *Falgun*, 2007 BS (Feb.18, 1951) shall mean to the Government of Nepal regarding to any act done or to be done, after 7th *Falgun*, 2007 B.S.

TM (1a) The words “His Majesty’s Government” used in Nepal Laws, treaty or agreement to which Nepal is a party or any other acts done from 7th *Falgun* 2007 BS. To 3rd *Jestha* 2063 shall denote to the “Government of Nepal” after 4th *Jestha* 2063 BS.

(2) Unless the subject or context does not require to act otherwise, section 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, of this Act shall apply in the construction of the laws made before 7th *Falgun*, 2007 B.S.

TM Inserted by the Some Nepal Laws Amendment Act, 2063