

## The Radio Act, 2014 (1957)

Date of Royal Assent

2014.2.19 (June 1, 1957)

Date of Publication in Nepal Gazette

2015.1.4 (April 16, 1958)

The Amending Act:

Date of Royal Assent and Publication

1. Some Nepal Laws (Amendment and Rearrangement) Act, 2020 (1963) 2020.11.16 (Feb. 28, 1964)
2. The Judicial Administration Reform Act, 2031 (1974) 2031.4.18.6 (Aug. 2, 1974)
3. The Radio (First Amendment Act), 2046 (1989) 2046.7.11 (Oct. 27, 1989)
4. The Act Amending Some Nepal Acts Relating to Communication, 2047 (1990) 2047.7.14 (Oct. 31, 1990)
5. The Administration of Justice Act, 2048 (1991) 2048.2.16 (May 30, 1991)
6. The Act Amending Some Nepal Acts Relating to Communications, 2057 (2000) 2057.10.18 (Jan. 31, 2001)

Act number 26 of the year 2014 (1957)

An Act to control and regulate activities of holding, making and using radio machines  
in Nepal

Whereas, it is expedient to maintain peace and order and decency of the general public,<sup>1</sup> by controlling and regulating activities of holding, making and using radio machines in Nepal;

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<sup>1</sup> Amended by Some Nepal Laws (Amendment and Rearrangement) Act, 2020 (1963).

Now, therefore, **His Majesty the King** has enacted and issued this Act.

1. **Short title, extension and commencement:** (1) This Act may be cited as the "Radio Act, 2014 (1957)".

(2) This Act shall extend to the whole of Nepal.

(3) This Act shall come into force on such date as His Majesty's Government may, by a notification in the Nepal Gazette, appoint.<sup>2</sup>

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

(a) "Radio machine"<sup>3</sup> means the following machines used for receiving or sending words, pictures or signals continuously through radio waves without wire connection:-

(1) All kinds of satellite, receiving systems including disc antennas,

(2) Following machines of frequency ranging from 30 kilohertz to 3000 gig hertz, falling under radio spectrum:-

(a) L.F., M.F., H.F., V.H.F., U.H.F., S.H.F., E.H.F. transmitter as well as communication means,

(b) Radio transmitter,

(c) Television transmitter,

(d) Wireless transmitter,

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<sup>2</sup> It came into force on 2016.9.16 (Dec. 31, 1959) by a notification published in the Nepal Gazette dated 2016.9.13 (Dec. 28, 1959).

<sup>3</sup> Amended by the First Amendment.

- (e) Walkie-talkie,
  - (f) Cordless telephone,
  - (g) Video sender,
  - (h) Amateur radio,
  - (i) All kinds of satellite communication means including inmasart,
- (3) Cordless microphone,
  - (4) Radio control toys and models,
  - (5) Radio receiver, television receiver, video monitor, and
  - (6) Such machines as may be specified as the radio machine by His Majesty's Government, upon a notification in the Nepal gazette, from time to time.

(b) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

**3. Prohibition on holding, making and using radio machine without license:**

Except as otherwise mentioned in Section 4, no person shall hold, make or use the radio machine without obtaining license under this Act.

<sup>4</sup>Provided, however, that a person licensed to operate the telecommunications service under the Telecommunications Act, 2053 (1996) or a customer using the telecommunications service through such a person shall

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<sup>4</sup> Proviso inserted by the Act Amending Some Nepal Acts Relating to Communications, 2057 (2000).

not be required to obtain the license under this Act to hold, make or use the radio machine relating to the telecommunications service.

4. **Powers of His Majesty's Government to waive application of this Act in respect of any person or body or radio machine:** His Majesty's Government may, with or without specifying any terms by framing Rules under this Act, waive application of the matters of this act in respect of any person or body or any radio machine as prescribed.

5. **Mode of obtaining license:** (1) Any person intending to obtain the license under this Act has to submit an application, accompanied by such fees and in such format as prescribed, to His Majesty's Government or the authority specified by His Majesty's Government; and His Majesty's Government or any authority specified by His Majesty's Government may, as per the case, issue the license in the prescribed format.....<sup>5</sup>

(2) The period of each license issued under sub-section (1), procedures for its renewal and the fees for such renewal shall be as prescribed.

(3) If, excepting His Majesty's Government, any authority specified by His Majesty's Government refuses to issue the license as demanded by the application submitted pursuant to sub-sections (1) and (2), the aggrieved party may, no later than 35 days from the date of receipt of such refusal order, file an appeal with His Majesty's Government against that order; and in cases where such an appeal is filed, a decision made by His Majesty's Government shall be final.

6. **Punishment:** (1) If any person holds, makes or uses the radio machine without obtaining license pursuant to Section 3, His Majesty's Government or the authority specified by His Majesty's Government shall seize such radio machine, fix the amount of that radio machine and punish that person holding, making or using the radio machine with a fine of a sum equal to that amount.

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<sup>5</sup> Deleted by the First amendment.

(2) If any person commits any act in contravention of this Act or the Rules framed under this Act, other than the act mentioned in sub-section (1), His Majesty's Government or the authority specified by His Majesty's Government may punish such a person with a fine not exceeding fifty thousand rupees.

(3) If any person repeats any act punishable under sub-section (1) or (2) such a person shall be punished with punishment that is double of the initial punishment.

**7. Powers of Chief District Officer to issue search warrant:** (1) If there is a reasonable reason to believe that any radio machine related with an offense punishable under this Act is placed in any house and land or in any kind of vehicle, the Chief District Officer<sup>6</sup> may, at any time, issue a warrant to search that house and land or vehicle.

(2) The officer holding a warrant to make search under sub-section (1) may enter into any house and land or vehicle mentioned in that warrant and seize any such radio machine he suspects to be related with the offense punishable under this Act.

**8. Devolution of seized radio machine on His Majesty's Government:** All radio machines and unclaimed radio machines seized under sub-section (2) of Section 6 shall devolve on His Majesty's Government.

**9.<sup>7</sup> Appeal:** Any person who is not satisfied with a decision made by His Majesty's Government or the authority specified by His Majesty's Government may file an appeal in the Appellate Court<sup>8</sup> against that decision.

**10. Powers to frame Rules:** (1) His Majesty's Government may frame necessary Rules in order to accomplish the objectives of this Act.

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<sup>6</sup> Amended by the Act Amending Some Nepal Acts Relating to Communications, 2047 (1990).

<sup>7</sup> Amended by the First Amendment.

<sup>8</sup> Amended by the Administration of Justice Act, 2048 (1991).

(2) Without prejudice to the generality of the powers conferred by subsection (1), such Rules may also provide for the following matters, in particular.

- (a) ... ..<sup>9</sup>
  - (b) Persons or bodies to which this Act does not apply,
  - (c) Procedures and terms for issuing, renewing, pending and canceling the license, format of the license and fees chargeable for issuing and renewing the license,
  - (d) Maintaining inventory of radio machines that traders of radio machines have obtained, sold, distributed and held with them,
  - (e) Terms to be observed by makers or traders of radio machines while making or selling and distributing them, and
  - (f) Other matters required to be prescribed pursuant to this Act.
- (3) ... ..<sup>10</sup>

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<sup>9</sup> Deleted by the First Amendment.

<sup>10</sup> Deleted by the First Amendment.