

# **Special Programme - 2009 For Effectiveness of Peace and Security, End to Impunity and Defending Human rights**

## **1. Introduction**

The **Special Programme 2009 for effectiveness of peace and security, end to impunity and defending human rights** has been introduced to implement the local administrative act effectively, remove obstructions in movements and delivery of vital public services, curb serious types of crime, improve security situation in the capital cities of the valley, and to strengthen security situation of the mid and Eastern Terai and mid-Western hills. In addition, it has been implemented to further expand the sensitization campaign and ensuring security situation.

## **2. Importance of the programme**

The programme is deemed important to meet the following objectives:

- 2.1 To control the organized crimes,

- 2.2. To identify groups and individuals with criminal attitude, and to restrain them,
- 2.3. To ensure secured environment in the society,
- 2.4. To enhance people's faith in the government and to ensure the peace and security, and
- 2.5. To establish mutual trust between security personnel and the local people.

### **3. Objectives**

The programme carries following objectives:

- 3.1. To protect and promote human rights,
- 3.2. To ensure secured environment by improving security and enforcing laws,
- 3.3. To end impunity by bringing the law breakers to book,
- 3.4. To improve the access of the citizens to the public services,
- 3.5. To enhance people's trust in the government through sensitization campaigns and improved security situation, and

3.6. To increase public partnership in security management.

## **4. Officials attracted by the code of conduct**

This code of conduct will be applied to the following officials:

- 4.1. The Chief District Officer (CDO), Assistant CDO, other officers and staff,
- 4.2. The in-charge, officers and staff of District Police Office and offices under its command,
- 4.3. The chiefs and the staff of the battalions, companies, border offices and bases of the Armed Police Force (APF),
- 4.4. The District chief of the National Investigation Department (NID) and staff under the command, and
- 4.5. All the central and regional security personnel and staff deployed for the strengthening of security situation.

## **5. Action Plan**

Following action plans will be implemented

during the Special Programme, 2009:

- 5.1. Public services and road obstruction control action plan, 2009,
- 5.2. Kidnapping and serious organized crime control action plan, 2009,
- 5.3. Special security plan for Kathmandu valley, 2009,
- 5.4. Terai-Madhesh (the plains in the South stretching from East to West), and Eastern and mid-Western mountains security action plan, 2009 and
- 5.5. Sensitization campaign for the effectiveness of peace, and security management.

## **6. Duties and responsibilities of the district chiefs**

### **6.1. The Chief District Officer**

- a) In order to attain effective peace and security situation, end to impunity, and to defend human rights, all five work plans formulated under the Special Programme should be studied thoroughly and implemented in

fullest extent as per the words and the spirit,

- b) Assist in managing resources and manpower,
- c) Deploy chiefs and other staff of Nepal Police and APF that are under their command to the field by providing them complete information about the programme,
- d) Inform the political parties, civil society, press, local bodies, NGO's and other stakeholders about the security strengthening programme,
- e) Win support from local people and civil society,
- f) Enhance co-ordination among security agencies,
- g) Exchange information about the on-going operations and the new developments to ease the task,
- h) Analyze security strengthening program on weekly basis and report to the ministry and regional administration office,

- i) Supervise workings of the security personnel deployed in the operation in a regular basis,
- j) Follow The Local Administration Act and make others to follow,
- k) Delegate the rights to junior officials as per the requirement,
- l) Give special attention to the protection of human rights during operations, and
- m) Brief the field commander that the principal of minimum force has to be used if and when the situation arises.

## **6.2. The District Police Chief**

- a) Mobilize enough man power and resources to collect the security related information,
- b) Share the information with other security agencies as per the need,
- c) Manage logistics for the troops that are deployed on the field,
- d) Coordinate with local people to make the security operations successful,

- e) Give priority to protecting fundamental rights and human rights during security operations,
- f) Discuss and analyze the problems and challenges that arise during security operations in the joint security mechanism and act accordingly,
- g) Report higher authorities about the progress in security strengthening programmes in the district on daily basis,
- h) Provide special attention to human rights aspect during operations.
- i) Follow the orders of the Chief District Officer and higher authorities,
- j) Be in the frontline while executing operations,
- k) Work with good intentions and be prepared to take responsibility in both success and failure of the operations,
- l) Remain in close coordination

with the APF district chief, whether working separately or jointly,

- m) Give proper orientation and briefing to the troops before setting out for the operation, and
- n) Brief the commanding officer that the principal of minimum force has to be applied if and when the situation arises.

### **6.3. The District APF Chief**

- a) Prepare the troops for the operations by taking timely orders from the CDO and in maintaining coordination with the district chief of the Nepal Police,
- b) Provide orientation and briefing to the commander, and if necessary other members of the troop that is deployed under Special Security Programme about the objective of the operation,
- c) Generally Nepal Police handles

the situation from the frontline. If they fail to take control of the situation, the APF has to take the command and the Nepal Police should assist them,

- d) Manage and keep up to date all the resources, equipment and logistics required to the troop to be deployed,
- e) Implement the orders of the higher officials and report them back timely,
- f) If the situation goes out of control, and if the firing weapons are to be used, the chief should promptly nominate junior officer or the head constable for the purpose,
- g) Brief the commanding officer that the principal of minimum force has to be applied if and when the situation arises,
- h) Pay visits to security bases time to time, evaluate and give directions to the troop and report to higher officials,
- i) Report the progress of

- deployed security bases on daily basis to the higher officials,
- j) Relay the orders from higher officials to security bases timely.
  - k) During the operation, if the situation gets worse, manage the reinforcement.
  - l) Manage to rotate the troop as per the time and need by taking orders from the higher officials.

#### **6.4. The District Chief of NID**

- a) Study all five action plans formulated for the effectiveness of peace and security, end to impunity and defending human rights in detail and help in implementing it,
- b) Maximum utilization of available resources and man power in fulfilling aims of the plan,
- c) Brief the subordinate about the programme and deploy them in the field making well aware of their responsibilities,
- d) Do needful to maintain high morale of deployed staff,

- e) Deploy suitable agents in priority areas with the permission from the department,
- f) Always remain alert and keen in gathering information, and report them to the department after verification,
- g) Among all the collected information, analyze the local level information in the board coordinated by the assistant CDO and report promptly to the department and the CDO. Information related to national security and policy making should be reported to the department,
- h) Keep the records of all the collected information, disseminated information and the performed tasks during the special program,
- i) While collecting information, special attention to the secrecy of the source should be maintained, and in adverse

situation the security of overt, covert officers, spy, informers and other staff should be ensured,

- j) Work in close coordination with security agencies, administration and other agencies responsible in executing the security operations,
- k) Execute other tasks in accordance with the implementation plan and direction of the department.

### **6.5.Code of conduct to be followed by the deployed security personnel**

- a) Should have prior information about the security programme and should brief and train the juniors,
- b) During the serious confrontations and the situation of the self defense, the firearms should be used only as the last option after properly analyzing

the threat and other possible alternatives,

- c) Give priority to the casualty evacuation and medication of the injured during operations,
- d) Do not disseminate any unauthorized information during the operations,
- e) In case of searching and arresting women, it is recommended that ladies police handle the job. If not, then proper and polite behavior and manners are the most,
- f) Give due respect to local religions, traditions, rituals, and social norms,
- g) Work in close coordination with the locals and try to receive local support,
- h) Behave humanely, being sensitive about human rights during operations,
- i) Arrest persons involved in crime,
- j) In many cases, even innocent

people tend to get scared and run away from the police. So restrain from opening fire, try to take control of the person and inquire,

- k) While searching individuals and houses, social norms and values should be respected,
- l) Show due respect and behave respectfully to women, children, disables and older,
- m) Show polite and decent manner while dealing with other concerned persons.

## **6.6. Do's and Don'ts for security personnel during operations**

### **6.6.1. Do's**

- a) Be always alert and attentive and help your subordinates to be in the same condition,
- b) The commanding officer should keep the subordinates under his/her control and brief/ debrief

them about the current affairs,

- c) The arms, weapons, ammunitions, explosives, communications equipment and other equipment should be kept safely, maintained, clean, and they should be used economically,
- d) Bear responsibility and execute the assigned duties promptly,
- e) Wear appropriate and decent dress,
- f) Always be punctual and motivate others to be punctual,
- g) Wear uniform in proper manner,
- h) Be disciplined and keep juniors in discipline,
- i) Be honest to the organization and the profession,
- j) Be involved in the activities

- that glorify the organization. Give priority to the work that is in the interest of the country, people and organization,
- k) Keep patience while performing duty in favorable as well as adverse situation,
  - l) Follow the words and spirit of the orders of higher command,
  - m) Do not leave the duty unless the relief arrives,
  - n) Report about the incidents during the duty to the commander,
  - o) Give true identity if asked by the other security personnel,
  - p) Report any controversies to related office as soon as possible,
  - q) Always remain alert to resolve issues promptly, and prevent it from escalating,

- r) Behave in good manner inside and outside the office and be the role-model of good manners and behavior,
- s) Be alert and sensitive towards the security of office, oneself and family,
- t) Always try to win the heart and mind of the people by working in the community,
- u) Take part in social works and take lead in social service,
- v) Contribute in protection of religious and cultural festivals through active participation,
- w) Help elders, disables, helpless and children,
- x) Regularly report the expenses of ammunition during operations,
- y) Protect human rights,
- z) Strengthen the fortification of own security base,

aa) Be disciplined and dutiful.

### **6.6.2. Don'ts**

- a) Undisciplined activities that hampers the personal and organizational fame,
- b) Activities that taint the glory of the organization,
- c) Show of indifference, unaccountability, tardiness while on duty,
- d) Not showing seriousness in personal belongings and weapons,
- e) Misuse of arms and ammunitions,
- f) Use of alcohol, smoking and consuming intoxicating items,
- g) Misuse of government property,
- h) Behaving with people in uncivilized, improper, vulgar, impolite way and buying in credit from the shops,
- i) Being late in assembly,

- j) Reaching late and leaving early from the office,
- k) Misusing name of organization in anti-social and illegal works,
- l) Making noise, gossiping, leaving duty post, handling weapon in improper manner and other similar activities in duty, and
- m) Use of mobile phone unnecessarily on duty.

## 7. Conclusion

Following achievements are expected to be attained from the Special Security Program 2009:

- The campaign **Peace and Security: People's Aspiration** would be fruitful,
- People would feel secured as illegal and criminal acts are controlled,
- Protection and promotion of human rights would be enhanced,
- Enhancement of people's trust and faith on the government,

- Will be a milestone in ending the impunity,
- Rule of law would be enhanced, and
- Morale of local administrator and security personnel will be up.



## 8. Legal matters all should know for public security

SN	Legal Provision	Punishment for violation of law
1	<p>According to The Local Administration Act, 2028 (1971)</p> <ol style="list-style-type: none"><li data-bbox="394 861 591 1512">1. Blockage of road or public service or breaking of house or vehicles should not be done by anyone.</li><li data-bbox="622 861 871 1512">2. One should not disturb the flow of traffic on government demarcated road areas by blocking or any type of activities.</li></ol>	

	<p>3. Governmental, public or individual vehicles or house or asset should not be destroyed by breaking blazing or robbery.</p> <p>4. Governmental and public unit or educational institution should not be disturbed by locking.</p>	<p>Up to Rs.10 thousand fine or six months imprisonment or both.</p>
a)	<p>Following restrictions are to be maintained for peace:</p> <ol style="list-style-type: none"> <li>1. Violent act or moves are prohibited</li> <li>2. Order of curfew should not be violated</li> </ol>	<ol style="list-style-type: none"> <li>1. <i>Lathicharge</i>, teargas, water jet, blank firing and firing under knee can be used.</li> <li>2. One month imprisonment or one thousand fine or both</li> <li>3. Three month imprisonment or</li> </ol>

	<ol style="list-style-type: none"> <li>3. Riot restricted area should not be violated.</li> <li>4. Theft pick pocketing cheating with less measurement, killing of female animals should not be done.</li> <li>5. Intoxicating in public places is restricted.</li> <li>6. One should not be bereft of his/her wages.</li> <li>7. Cannot make unnatural profits in purchase and sales.</li> <li>8. Government or public land cannot be encroached.</li> <li>9. Animals should not be forsaken.</li> </ol>	<p>three thousand fine or both.</p> <ol style="list-style-type: none"> <li>4. Up to five hundred fine.</li> <li>5. Maximum one thousand fines.</li> <li>6. To be punished according to law.</li> <li>7. One thousand fine or three months imprisonment or both.</li> <li>8. Fine up to five thousand for breaking into others house.</li> <li>9. Rs 200 fine and/or auction of animals.</li> </ol>
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2	<p>Strikes and 'Banda' can't be done in following services according to The Essential Service Act, 2014 (1957)</p> <ol style="list-style-type: none"> <li>1. Postal and telephone services</li> <li>2. Transportation of passengers or goods through water land or airways.</li> <li>3. The service related with the observation, conduct or repairing of airport or air plane.</li> <li>4. The service related with shifting taking out and storing in airport, railway station or government store.</li> </ol>	<p>Six months imprisonment or Rs. 200 fine.</p>
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	<ol style="list-style-type: none"> <li>5. Service related with print or government printing press.</li> <li>6. The service of Government of Nepal's defense management related with production, storing and distribution of weapons and equipment or any other military goods.</li> <li>7. Communication service.</li> <li>8. Internal security operation related services.</li> <li>9. Drinking water distribution system.</li> </ol>	
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10. The service related with tourist residence, motel, hotel, restaurant and resort.

11. The service related with import and distribution of petroleum products including the L.P. Gas.

12. The service related with hospital, health center and production, sale and distribution of medicines.

13. The service related with the area for the collection, transportation, purification and management of solid waste.

	<p>14. Banking service.</p> <p>15. Insurance service.</p> <p>16. Electricity service.</p>	
3	<p>According to The Weapons and Ammunitions Act, 2019 (1962)</p> <p>Nobody should keep unlicensed weapons at home.</p>	<p>Six to seven months imprisonment or Rs. sixty to one hundred forty thousand fine or both depending upon the type of the crime.</p>
4	<p>According to The Public Security Act, 2046 (1990)</p> <ul style="list-style-type: none"> <li>• No one should disturb and harm Nepal's sovereignty, integrity, communal harmony and government system.</li> </ul>	<p>Action will be taken keeping the person in house arrest</p>

5	<p>According to The Black Market and Other Social Crime Punishment Act, 2032 (1975)</p> <ul style="list-style-type: none"> <li>Nobody should do black marketing, undue profiting, deviation of goods, creating artificial shortage of goods, hoodwink customers, adulteration of medicine.</li> </ul>	Up to Rs. 25 thousand fine
6	<p>According to The Some Public Crime Act, 2047 (1991)</p> <ul style="list-style-type: none"> <li>It is prohibited to create any disturbance to community by fighting, rioting, vulgar activities or behaviour, disturbing postal</li> </ul>	Ten thousand fine or 35 days imprisonment depending upon the extent of crime.

	service, communications service, electricity service, public transport, misbehavior in public place, blockage of vehicles and disturbance through riot and mob.	
7	<p>According to The Defamation Act 2016 (1959)</p> <ul style="list-style-type: none"> <li>• No one should disturb the social peace by intentionally scolding, dishonoring and defaming others.</li> </ul>	Up to Rs. five hundred fine and six months imprisonment.
8	According to The Intelligence Act, 2018 (1960)	Five years to life imprisonment as per the extent of crime.

	<ul style="list-style-type: none"> <li>Nobody should serve foreign interest or be indulged in any espionage act against the country.</li> </ul>	
9	<p>According to The Hotel Management and Alcoholic Liquor's Sale (Control) Act, 2023 (1966)</p> <ul style="list-style-type: none"> <li>The owners of hotel &amp; shop should not sell &amp; distribute the alcoholic liquor before 12 am &amp; after 12 pm. midnight, and vulgar or shameful entertainment or programme should not be shown in the hotels.</li> </ul>	Rs. five thousands fine or maximum three month imprisonment or both punishment on the basis of the type of crime.

10	<p>According to The Human Trafficking Control Act, 2064 (2007):</p> <ul style="list-style-type: none"> <li>• Nobody should engage in sell and transport of the human being.</li> </ul>	<p>Twenty years imprisonment and up to Rs.two hundred thousand fine depending on the extent of crime.</p>
11	<p>According to The Foreign Employment Act, 2064 (2007)</p> <ul style="list-style-type: none"> <li>• No institution shall send minors for foreign employment.</li> </ul>	<p>Rs. three to seven hundred thousand fine and three to seven years imprisonment.</p>
12	<p>According to The Money Laundering Prevention Act</p> <ul style="list-style-type: none"> <li>• Nobody should try to convert money earned from illegal sources into legal sources</li> </ul>	<ul style="list-style-type: none"> <li>• Fine equivalent to the money embezzled and one to four years imprisonment or both.</li> <li>• Six month's imprisonment or Rs. Five thousand fine or both for obstructing the investigation of money laundering.</li> </ul>

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# Special Security Work Plan

- Public services and road obstruction control action plan, 2009,
  - Kidnapping and serious organized crime control action plan, 2009
  - Special security plan for Kathmandu valley, 2009,
  - Terai-Madhes (the plains in the South stretching from East to West), and Eastern and Mid-Western mountains security action plan, 2009 and
  - Sensitization campaign for the effectiveness of peace, and security management, 2009
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## The code of conduct to be followed

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## The legal matters all should know for public security

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*Peace and Security : People's Aspiration*

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**Special Programme, 2009  
for effectiveness of peace  
and security, end to  
impunity and defending  
human rights**

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**The code of conduct to be  
followed by the security  
personnel**

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Government of Nepal  
**Ministry of Home Affairs**  
November, 2009