

Nepal Bar Council Act, 2050 (1993)

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Amendment

Judicial Management and Administration of Justice

Related Some Nepal Acts (Amendment) Act, 2058

(2002)

2059.5.27 (2002.9.12)

An Act No 26 of the year 2050

An Act made to establish and manage for the Nepal Bar Council

Preamble: Whereas, it is expedient to provide for more accountable service to the society upon establishing and managing for Nepal Bar Council and securing the interest of the Legal Practitioners;

Now, therefore, be it enacted by Parliament in the Twenty Second year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

Chapter-1

Preliminary

1. **Name and Commencement:** (1) This Act may be called "Nepal Bar Council Act, 2050 (1993)".

(2) Section 1 and Section 4 of this Act shall come into force immediately and other Sections shall come into force on such a date as Government of Nepal appoints by a Notification in the Nepal Gazette.

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

(a) "Council" means the Nepal Bar Council as established under this Act.

(b) "Chairperson" means the Chairperson of the Council.

¹ The other Sections came into force from 2051.4.27 throughout Nepal (Nepal Gazette 2051.4.23)

- (c) "Councilor" means the Councilor of the council.
- (d) "Secretary" means the Secretary of the council.
- (e) "Legal Practitioner" means Senior Advocate and Advocate and this term also includes other Legal Practitioner as mentioned in this Act.
- (f) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

Chapter - 2

Establishment and formation of Legal Bar Council

3. **The Establishment of the council:** (1) A Council named as Nepal Bar Council shall be established.
- (2) The Council shall be an autonomous body corporate with perpetual succession.
- (3) The Council shall have a separate seal of its own.
- (4) The Council may, as an individual, acquire, use, sell and dispose of, or otherwise manage any movable and immovable property.
- (5) The Council may, as an individual, sue by its name and be also sued by the same name.
- (6) The Office of the Council shall be located in Kathmandu Valley.
4. **Formation:** (1) Nepal Bar Council shall have following Councilors:
- (a) The Attorney General of Nepal;
 - (b) President, Nepal Bar Association;
 - (c) Registrar, Supreme court of Nepal;
 - (d) Dean, Institute of Law, Tribhuvan University;
 - (e) Senior Advocates/Advocates elected from among the Legal Practitioners of the Five Development Region of Nepal by an electoral college, one representing each Region, and
 - (f) Two Senior Advocates or Advocates nominated by Nepal Bar Association.

(2) The Attorney General of Nepal shall be the Chairperson and the president of Nepal Bar Association shall be the Vice-Chairperson of the Council.

(3) The tenure of office of the Councilor elected pursuant to Clause (e) of Section 1 shall of Five years and the Councilors nominated pursuant to Clause (f) shall be of Two years.

(4) A Legal Practitioner who has completed a period of Ten years after receiving his/her license shall only be eligible to be a Councilor pursuant to Clauses (e) and (f).

(5) Nepal Bar Association may nominate Five Legal Practitioners of their respective region for a maximum period of One year till the Councilors pursuant to Clause (e) are elected.

(6) The Vice-Chairperson shall perform the duties of the Chairperson in his/her absence.

5. **Vacancy and fulfillment of Councilors:** (1) In the case of vacancy of a post of the Councilor due to death or resignation or disqualification as a Legal Practitioner as per the provision of this Act of any Councilor elected pursuant to Clause (e) of Sub-section (1) of Section 4, such vacancy shall be fulfilled by another Legal Practitioner nominated from the concerned region by the Council if his/her remaining tenure is less than One year and by an election if his/her remaining tenure exceeds more than One year.

(2) If the post of Councilor occurs vacant due to death or resignation or he/she becomes disqualified to remain as a Legal Practitioner pursuant to the provision of this Act as referred to in Clause (f) of Sub-section (1) of Section 4, the Nepal Bar Association shall nominate other Legal Practitioner for the remaining tenure.

6. **Not to participate by a Councilor:** (1) If a Councilor has any interest in a contract concluded by the Council or if the Councilor has being taken an action by the Council, he/she shall not participate in the meetings of the

Council or its Committee where a matter on such a contract or action is being discussed.

(2) If any family member of any Councilor is appearing in an examination of Legal Practitioner such a Councilor shall not accept the membership of the committee which is related to such examination.

(3) If a Councilor commits any act against this Act, the Council shall take action as prescribed.

7. **Meeting of the Council:** (1) The Secretary shall call the meeting of the Council on the direction of the Chairperson of the Council upon specifying the date, time and place for such meetings. If at least Four Councilors submit a written request to the Chairperson for the meetings, the Chairperson shall issue directives to the Secretary to call such meeting.

(2) The presence of more than Fifty percent Councilors of the Council shall be deemed to constitute a quorum for a meetings of the Council.

(3) The meetings of the Council shall be presided over by the Chairperson; and in the absence of the Chairperson, the Vice- Chairperson shall preside over and in the absence of the both it shall be presided over by the person selected by the Councilors present at the meeting from amongst themselves.

(4) A majority opinion shall prevail at the meeting of the Council. In the event of a tie, the person presiding over the meeting may exercise the casting vote.

(5) The decisions of the Council shall be authenticated by the Secretary.

(6) Other procedures relating to the meeting of the Council shall be as determined by the Council itself.

8. **The functions, powers and duties of the council:** (1) The functions, duties and powers of the Council shall be as follows:

- (a) To take examinations of the persons entering into the Legal Profession;
- (b) To make procedural provisions regarding the registration of names of Legal Practitioners;
- (c) To register a person who is qualified as a Legal Practitioner;
- (d) To monitor whether the Legal Practitioners are working in accordance with the prescribed professional code of conduct or not;
- (e) To entertain a complaint about the work carried out by Legal Practitioner against the professional code of conduct and send to the disciplinary committee for action;
- (f) To determine procedure for the disciplinary committee and other committees;
- (g) To file a case against the person who violates the provision of this Act;
- (h) To protect the prestige, dignity, security, rights, welfare and facilities of Legal Practitioners;
- (i) To recommend for proper educational standard of the legal profession in consultation with the university to increase the standard of legal education;
- (j) To appoint necessary staffs and make provisions for their remuneration and facilities;
- (k) To make provisions for necessary training to maintain the legal profession prestigious by providing practical experience to the Legal Practitioners;
- (l) To make provision for education, discussion, seminars, work-shops and talk-programmes etc. to promote the

right and welfare of Legal Practitioners and manage for publication;

- (m) To arrange for the funds of the Council;
- (n) To carry out other works as mentioned in this Act; and
- (o) To carry out other functions necessary to meet the objectives of this Act.

(2) The Council may, as per necessity, delegate any or all of the powers conferred on it pursuant to this Act to any Councilor, Secretary, Committee or the member of any Committee.

9. Appointment of the Secretary: (1) The Secretary shall be the Administrative Chief of the Office of the Council.

(2) The Council may appoint a Secretary to a person who, at least, holds a graduate degree of law or the Government of Nepal may depute any Gazetted Officer for the same on the request of the Council.

(3) The other functions, duties and powers of the Secretary except mentioned in this Act, shall be as prescribed.

(4) The remuneration, facilities and tenure of office of the Secretary shall be as prescribed.

(5) The Council may designate any other employee to perform as Secretary in the event of absence of the Secretary.

10. Fund of the Council: (1) The Council shall have its own fund.

(2) The grants of Government of Nepal, other persons or organizations and other fees etc. to be collected by the Council shall be deposited in the fund of the Council.

(3) The funds of the Council shall be operated by the joint signatures of one of the Councilors and its staff designated by the Council.

(4) The accounts of the fund shall be audited every year by the auditor appointed by the Council.

11. **Disciplinary Committee:** (1) The Council may form Disciplinary Committee on the Chairpersonship of a Councilor to examine and take action on any complaint or information received to the Council against any Legal Practitioner who violates this Act or Rules framed thereunder or the code of conduct.

(2) The Disciplinary Committee shall have equal powers as to the Court regarding to issue summons and examinations of evidence.

(3) The Disciplinary Committee may issue a decision to be done as following if a Legal Practitioner is found guilty:

- (a) To reprimand;
- (b) To suspend from practicing law for a specific period of time; and
- (c) To cancel the license of the Legal Practitioner.

(4) While conducting proceeding pursuant to Sub-section (3), the concerned Legal Practitioner shall be given an opportunity to defend him/herself.

(5) The Legal Practitioner who is not satisfied with the decision of the Disciplinary Committee may appeal before the Supreme Court within Thirty Five days after the receipt of such information.

12. **Committees:** (1) The Council may form, apart from Disciplinary Committee, Examination Committee and other Committees, as per necessity, to carry out its functions.

(2) The procedures, functions, powers and duties of the Committees formed pursuant to Sub-section (1) shall be as determined by the Council.

13. **The Acts and Actions not to be Illegal:** The acts and actions carried out by the Council shall not be unlawful if such an act and action is taken by a Councilor whose tenure of office has already been expired, or even if any unqualified Councilor has been working or elected to the Council.

14. **Legal Action not to be taken:** A complaint shall not be registered against any action taken by the Council, Councilor or any Committee of the Council or any Member of the Committee in respect of an act done in good faith, subject to this Act or Rules framed hereunder.

Chapter-3

Examination of Legal Practitioner

15. **Examination of Legal Practitioners:** (1) The Council shall carry out Legal Practitioner examination at least once a year. Such an examination shall be written and oral and the marks for the oral test shall not be more than Ten percent of the total marks.

(2) The Council shall form a Legal Practitioner Examination Committee including concerned specialists for the purpose of Sub-section (1). The Council shall appoint one of the members of the Committee as the Chairperson of the committee.

(3) The Examination Committee shall make necessary arrangements to conduct the examinations.

(4) The procedures relating to the Examination shall be as determined by Examination Committee itself.

16. **Course of Study for the Legal Practitioner Examination:** (1) The Council shall determine the course, standard and system of such examination.

Provided that, the course of study of the examination to be taken to the persons referred to in Clause (a) and (b) of Sub-section (1) of Section 17 shall be determined separately as prescribed by the Council based on their experience.

(2) The Council may consult to seek cooperation from the Supreme Court and the Institute of Law, Tribhuvan University for determining the courses of study, standard and system of the Legal Practitioner Examination.

Chapter-4

Registration as a Legal Practitioners

17. Legal Practitioners to be Registered: (1) A Nepali Citizen with the following qualifications having passed the Legal Practitioner examination and who is not convicted of any criminal offence inflicting moral turpitude shall only be registered as a Legal Practitioner:

- (a) A person who has worked for at least Five years after having a certificate of Bachelor's Degree in Law as a judge, government advocate, or as Gazetted Officer in the Legal Service or as a teacher of Law; or
- (b) A person who has practiced as a Pleader (*Abhivakta*) for Seven years and having the Bachelor's Degree in Law; or
- (c) A person who has practiced as a Pleader for Fifteen years; or
- (d) A person having Bachelor's Degree in Law.

(2) A Nepali Citizen with the following qualifications, having passed the Legal Practitioner Examination and not convicted of any criminal offence inflicting moral turpitude shall be registered as a pleader [•]for a period of Nine years from the date of commencement of this Act:

- (a) A person having the Intermediate Certificate in Law;
- (b) A person practicing as an Agent (*Abhikarta*) for a period of Five years.

18. Application for Registration: (1) A person having qualification as referred to in this Act and intending to be registered as an advocate may submit his/her application before the Council in a format specified by it.

[•] Amended by Judicial Management and Administration of Justice Related Some Nepal Acts (Amendment) Act, 2058 (2002)

(2) If the person submitting an application is found qualified to be a Legal Practitioner, the Council shall register such a Nepali citizen as a Legal Practitioner and issue a license thereof in a prescribed format and forward the information of the same to the Supreme Court.

19. Cancellation of the License: If it is proved later on that the person was disqualified to be a Legal Practitioner before he/she has received his/her license, the Council may cancel the license of such a Legal Practitioner.

20. Inventory of the Legal Practitioners: (1) The Council shall maintain an inventory of the person who received the license.

(2) The Council shall up to date the inventory referred to in Sub-section (1).

(3) If a Legal Practitioner is dead or if he/she submits an application to remove his/her name from the inventory or if a decision is made to cancel the license of a Legal Practitioner after being taken disciplinary action, the name of such legal practitioner shall be removed from the inventory and the information for the same shall be forwarded to the Supreme Court.

(4) If the Council decides to suspend the license of any Legal Practitioner after taking an action on the grounds of discipline, such a detail shall be recorded in the inventory.

21. Title of Senior Advocate: (1) If the Supreme Court finds that an advocate has helped to the courts and Society by practicing as a Legal Practitioner in the Supreme Court or Court of Appeal for at least Fifteen years, it may confer the title of Senior Advocate to such a Legal Practitioner as an honour and such a Senior Advocate shall have to maintain good conducts as prescribed.

(2) The Supreme Court shall take consent of the Advocate while conferring him/her the title of a Senior Advocate.

Chapter-5

The Right to Legal Profession

22. **Right to be Present, Plead and advocacy (argue):** (1) A Senior Advocate and advocate shall be entitled to be present, plead and argue before the Supreme Court or any Office or Court or Authority of Nepal.

(2) A Pleader shall be entitled to be present, plead and argue in Courts, Offices and Authority except the Supreme Court of Nepal.

23. **The Right to Address:** (1) If there are more than one Legal Practitioners in a case, the right and order to address before the authority, for a hearing of the case, shall be as follows:

(a) If the Legal Practitioners are of the same category on the basis of seniority of the date of the receipt of the license; and

(b) If there are different categories of Legal Practitioners, as follows:

- (1) Senior Advocate
- (2) Advocate
- (3) Pleader

(2) Notwithstanding contained anything in Sub-section (1), the Legal Practitioner who has to address later, in the order of precedence may also address earlier after taking permission from the Authority for the hearing and the Legal Practitioner who has right to address earlier.

(3) If there are more than one Legal Practitioners of the same category and having the license on the same date, a Legal Practitioner may address earlier based on their mutual consent.

24. **Special Privilege of a Legal Practitioner:** (1) No Legal Practitioner shall be arrested in a civil case concerning any claimed amount or penalty, when he/she is on the way to present, plead and argue in a case on behalf of a party to the case.

(2) No petition may be filed against a Legal Practitioner on slander on the basis of what he/she has said during the course of argument.

25. **Unauthorized Persons not to Practice Legal Profession:** (1) No one shall be present in a Court or Office and plead on behalf of any party a case without holding the license of a Legal Practitioner.

(2) Notwithstanding anything contained in Sub-section (1), a Legal Practitioner who has received a license from any foreign country may plead (argue) in a particular case, on behalf of the party to a case upon receiving permission of the court.

(3) Notwithstanding anything contained in Sub-section (1), in a case, government advocate, party to a case and in a district where Legal Practitioners under this Act are less than in a total number of Ten, any other person may present in a Court or Office on behalf of a party to a case.

(4) If a person commits an act against the provision of Sub-section (1), he/she may be liable for a punishment of a fine up to Two Thousand Rupees or an imprisonment up to Six months or both.

Chapter-6

Miscellaneous

26. **Recognition of existing Legal Practitioners:** Senior Advocates, Advocates and a Pleader as recognized pursuant to Legal Practitioners Act, 2025 (1968), shall retain their recognition according to this Act.

27. **Right to Frame Rules:** (1) The Council may frame Rules to fulfill the objectives of this Act.

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

- (a) The Professional Code of Conduct of Legal Practitioners;

- (b) The hearing on complaints against violations of Code of Conduct and other activities;
- (c) The Internal Procedure of the Council;
- (d) The Rules of procedure of the committees formed under the Council;
- (e) The provision of disqualification of the Councilor;
- (f) The provisions of fees for an application and license of a Legal Practitioner;
- (g) The provision for the appointment of staff for the Council and tenure of office;
- (h) The provision of funds of the Council, accounts and Audit;
- (i) The provisions to be followed by those who have received certificate to prepare documents (*Lekhapadi*) in Courts and Offices.

(3) The Rules framed by the Council pursuant to Clauses (a), (b) and (i) of Sub-section (1) shall come into force only after being approved by Supreme Court.

28. Certificate for Preparation of Documents in Office and Court: (1) The District Court shall distribute Certificate for preparation of documents in an Offices and a Courts.

(2) A Certificate received for preparation of documents pursuant to Legal Practitioners Act, 2025 (1968) shall be deemed to have been received pursuant to this Act.

(3) The provisions regarding functions, terms and conditions and cancellation of certificate so received pursuant to this Section, shall be as prescribed.

29. Repeal and Saving: (1) The Legal Practitioners Act, 2025 (1968), is, hereby, repealed.

(2) It shall not be deemed to have caused any hindrance to continue Legal Practice by the person so registered as an Agent pursuant to Legal Practitioners Act, 2025 (1968).

NEPAL LAW COMMISSION