

THE NATIONAL JUDICIAL ACADEMY ACT, 2063 (2006)

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Act No 24 of the year 2063 (2006)

An Act Made to Provide for the Management of the National Judicial Academy

Preamble :Whereas, it is expedient to provide for the National Judicial Academy for the purpose of enhancing the functional capacity and professional efficiency of judges, employers and legal professionals working in the judicial organ and for conducting study and research in the field of law and justice,

Now, therefore, the House of Representatives has enacted this Act in the first year of the issuance of the Parliamentary Declaration 2063, (2006 AD).

CHAPTER-1 PRELIMINARY

1. Short Title and Commencement: (1) This Act shall be called as "the National Judicial Academy Act, 2063 (2006)".

(2) This Act shall be deemed to have come into force on 24th day of Bhadra of the year 2063 B.S. (Sept 9, 2006).

2. Definitions: In this Act, unless the subject and context other require:

- (a) "Academy" means the National Judicial Academy established pursuant to Section 3.
- (b) "Council" means the Judicial Academy Council constituted pursuant to Section 6.
- (c) "Committee" means the Executive Committee established under Section 9.
- (d) "Executive Director" means the Executive Director appointed or deputed pursuant to Sub-Section 2 of Section 17.
- (e) "Judicial Body" means any court, the Special Court, Tribunal or body for making judicial decision established under the prevalent law, and this term also denotes Government Attorney Offices and other bodies concerning the field of law and justice.
- (f) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules and Bylaws made pursuant to this Act.

CHAPTER - 2

ESTABLISHMENT OF THE ACADEMY

3. Establishment of National Judicial Academy: (1) The National Judicial Academy has been established for the purpose of enhancing the functional capacity and professional efficiency of judges, government attorneys, employees and law practitioners working in the judicial bodies and also for undertaking study and research in the field

of law and justice.

- (2) The Head Office of the Academy shall be located in Kathmandu and the Academy may also set up offices of the Academy outside the Kathmandu Valley as per the requirements.

4. Academy to be an Autonomous Corporate Body: (1) The Academy shall be an autonomous corporate body with perpetual succession.

- (2) The Academy shall have, for its activities, its own separate seal.
- (3) The Academy may acquire, enjoy, sell or dispose or otherwise manage any movable or immovable property as an individual.
- (4) The Academy may sue or be sued in its name as an individual.

5. Functions, Duties and Powers of the Academy: The functions, duties and powers of the Academy shall be as follows:

- (a) To conduct trainings, conferences, workshops, seminars, symposia, interactions and other similar types of programs for the purpose of enhancement of efficiency and professional skill of judges, employees and legal practitioners working in the judicial sector;
- (b) To undertake research in subjects relating to the field of law and justice and to publish research oriented materials;
- (c) To provide or cause to provide consultancy and information services with regard to the subjects relating to law and justice;
- (d) To co-ordinate with the Supreme Court, Office of the Attorney General, the Ministry of Law, Justice and

Parliamentary Affairs, Judicial Council, the Judicial Service Commission and the Nepal Bar Council for the purpose of enhancement of efficiency and professional competence of judges, government attorneys, employees and private law practitioners working in the judicial bodies;

- (e) To conduct trainings, conferences, workshops, and symposia for the enhancement of efficiency and professional competence of the personnel performing legal functions in quasi-judicial bodies;
- (f) To assist the concerned bodies for the reforms required for correcting the drawbacks, weaknesses and shortcomings identified in the field of law and justice;
- (g) To impart training to the human resources engaged in the judicial bodies about new technology and practices emerging in the field of law and justice;
- (h) To tie up the judicial training programs with the judicial administration as its integral part;
- (i) To tie up the judicial training programs with the objective of making justice speedy, simplified and easily accessible to all;
- (j) To tie up the trainings with career development by enhancing the knowledge and skill in relation to adjudication, verdict implementation, drafting of law and judicial administration;
- (k) To conduct programs relating to development of the legal profession as a competitive, competent, service oriented and effective profession;
- (l) To conduct, as per requirements, seminars, symposia, conferences and workshops involving participation of experts of concerned subjects for the purpose of

- resolving the problems seen in the field of law and justice;
- (m) To undertake necessary collaboration with the judicial training institutions of other countries in order to make its training programs standard and effective;
 - (n) To work as a liaison body between the Government of Nepal and the International organizations and agencies in respect of matters relating to training programs to be conducted in the field of law and justice for capacity building;
 - (o) To conduct or cause to conduct programs, as required, in collaboration with the Government of Nepal, the national or international organizations for capacity building and professional development of Judges, employees and legal practitioners working in the judicial bodies;
 - (p) To collect necessary means and resources from the Nepal Government, foreign governments, the international organizations and agencies or individuals for conducting and developing the programs of the Academy;
 - (q) To organize study tours of foreign judicial organizations and training institutes, and to arrange various programs like conferences, workshops etc. for enhancement of professional skill of judicial human resources;
 - (r) To carry out or cause to carry out the other functions as prescribed.

CHAPTER - 3

PROVISIONS RELATING TO THE COUNCIL

6. Constitution of the Council: (1) There shall be a Judicial Academy Council to work as the apex body of the Academy.

(2) The Council shall be constituted as follows:

(a)	Chief Justice	- Chairperson
(b)	Minister of Law, Justice and Parliamentary Affairs	- Member
(c)	Vice-Chair, National Planning Commission	- Member
(d)	Two persons from among the sitting Justices of the Supreme Court	- Members
(e)	Attorney General	- Member
(f)	One person from among the retired Justices of the Supreme Court	- Member
(g)	Dean, Law Faculty, Tribhuvan University	- Member
(h)	One person from among the Judges of the Court of Appeal	- Member
(i)	One person from among the professors of Law having at least five year of teaching experience	- Member
(j)	President, Nepal Bar Association	- Member
(k)	One person from among the District Court Judges	- Member
(l)	Three persons representing women, ethnic communities and dalits from among the persons who, after graduating in Law, have at least fifteen years of work experience in the field of law and justice	- Member
(m)	Executive-Director	Member Secretary

- (3) The members pursuant to clauses (d), (f), (h), (I) and (k) shall be nominated by the Chief Justice and the members pursuant to clause (l) shall be nominated by the Government of Nepal. The tenure of such members shall be for a period of two years from their appointment.
- (4) The Council, if deemed necessary, may invite a person having expertise in the field of law and justice to participate in its meeting as an observer.

7. Meeting of the Council: (1) The meeting of the Council shall take place at least twice a year.

- (2) The Member-Secretary of the Council shall call the meeting of the Council as directed by the Chairperson of the Council.
- (3) The Member-Secretary of the Council shall make available to the members of the Council seven days in advance the notice regarding the meeting to be held along with the agenda to be discussed at the meeting.
- (4) The quorum for holding the meeting of the Council shall be deemed to have been constituted if more than fifty percent of the total number of the members existing at the time were present.
- (5) The Chairperson shall preside over the meeting of the Council and, in his/her absence, a member selected from among the members themselves shall preside over the meeting.
- (6) The majority opinion shall be treated as acceptable, and in case of a tie the person presiding over the meeting shall exercise his/her casting vote.
- (7) The Member-Secretary of the Council shall authenticate the minutes of the meetings of the Council.

- (8) Other procedures of the meeting of the Council shall be as determined by the Council.

8. Powers, Functions and Duties of the Council: The powers, functions and duties of the council shall be as follows:

- (a) To formulate policies regarding the training and research programs to be conducted by the Academy;
- (b) To approve the long-term plan of the Academy;
- (c) To approve the annual program and budget of the Academy;
- (d) To evaluate the activities conducted by the Academy;
- (e) To frame necessary Rules of the Academy;
- (f) To carry out other functions as prescribed;

CHAPTER – 4

PROVISION RELATING TO THE COMMITTEE

9. Formation of the Executive Committee: (1) Except as otherwise provided in this Act, there shall be an Executive Committee for the purpose of carrying out the functions on behalf of the Academy.

(2) The formation of the Committee shall be as follows:

- (a) Executive Director - Chairperson
- (b) Secretary, Ministry of Law, Justice and Parliamentary Affairs - Member
- (c) Secretary, Judicial Council - Member
- (d) Registrar, Supreme Court - Member

- (e) Senior most Deputy Attorney General,
Office of the Attorney General - Member
 - (f) Secretary, Nepal Bar Association - Member
 - (g) One Senior employee of the Academy
designated by the Committee - Member Secretary
- (3) The Committee may, if it deems necessary, invite any expert working in the field of law and justice to attend its meeting as an observer.

10. Meeting of the Committee: (1) The meeting of the Committee shall be held as necessary.

- (2) The Member-Secretary of the Committee shall call the meeting of the Committee as directed by the Chairperson of the Committee.
- (3) The Member-Secretary of the Committee shall make available three days in advance the notice regarding call for the meeting along with the agenda to be discussed at the meeting.
- (4) The quorum for holding the meeting shall be deemed as constituted if more than fifty percent of the total number of members existing for the time being were present.
- (5) The Chairperson shall preside over the meeting of the Committee and, in his/her absence, any member selected from among the members themselves shall preside over the meeting.
- (6) The majority opinion shall be accepted in the meetings of the committee and, in case of a tie, the person presiding over the meeting shall exercise his/her casting vote.

- (7) The Member-Secretary of the Committee shall authenticate the minutes of the meeting.
- (8) Other procedures of the meeting of the Committee shall be as determined by the Committee itself.

11. Powers, Functions and Duties of the Committee: The powers, functions and duties of the Committee shall be as follows:

- (a) To draft the plan of the Academy,
- (b) To formulate the policy regarding judicial trainings and research to be conducted by the Academy,
- (c) To prepare the annual program and budget of the Academy and submit it before the Council,
- (d) To conduct research and training programs and to provide consultancy service,
- (e) To evaluate or to cause to be evaluated the training programs conducted by the Academy,
- (f) To arrange for exchange of the services of the experienced people of various sectors in an up-to-date manner in order to make the training action-oriented and practical.
- (g) To carry out or cause to be carried out other functions as prescribed.

CHAPTER – 5

PROVISIONS RELATING TO TRAINING PROGRAM

12. Training program and scope to be determined: (1)The Academy, in consultation with the judicial body, shall determine, as

per requirements, the training programs and their scope.

- (2) The Academy shall determine the method of training and evaluation and the contents and topics on the basis of training programs and the scope determined pursuant to Sub - Section (1).

13. Evaluation of training programs: (1) The Academy shall from time to time get evaluated, with the assistance of experts, the efficacy of the training programs conducted by it.

- (2) On the basis of the evaluation made pursuant to Sub-Section (1) the Academy may reform or redesign, as per the requirement, its training programs.

14. Training method: Considering the subjects as well as functions of the trainees, the Academy may adopt useful and modern training method in training programs.

15. Arrangement of Training materials: The Academy may make arrangement of necessary and appropriate training materials for the training programs.

16. To prepare a panel of instructors: (1) The Academy shall prepare a roster of individuals capable of giving training on the subjects relating to law and justice.

- (2) While preparing the roster pursuant to Sub-Section (1), the Academy shall prepare, as far as possible, separate lists on the basis of subjects and areas.
- (3) The Academy shall update from time to time the lists prepared pursuant to Sub-Section (1).

CHAPTER – 6
PROVISIONS RELATING TO THE EXECUTIVE DIRECTOR
AND THE EMPLOYEES

17. Provisions relating to the Executive Director: (1) There shall be an Executive Director to work as the Executive Chief of the Academy.

- (2) The Chief Justice of Supreme Court shall, on the recommendation of the Judicial Council, depute or appoint a person to the post of Executive Director from among the incumbent Judges of the Supreme Court or incumbent Chief Judges or Judges of the Court of Appeal or persons who had worked as a Judge of the Supreme Court or a Chief Judge of the Court of Appeal, or persons who are eligible to become a Judge of the Court of Appeal and who are competent in the field of management, research and training.
- (3) The tenure of the Executive Director shall be for a maximum period of four years and he or she may be eligible for reappointment or deputation for one additional term if his/her performance is deemed satisfactory.

Provided that an incumbent judge designated to work as an Executive Director may be sent back to work as a Judge on the recommendation of the Judicial Council even before the completion of his/her tenure.

- (4) Remuneration and other benefits and terms and conditions of service of the Executive Director shall be as prescribed.

18. Removal of Executive Director from the office : (1) In case the

Council feels that the Executive Director is not performing his/her official duty honestly or his/her performance does not seem to be satisfactory or he/she is found engaged in misconduct, the Chief Justice, on the recommendation of the Judicial Council, may remove the Executive Director from his/her office prior to expiration of his/her term.

Provided that before removing the Executive Director from office, he/she shall be not deprived of getting a reasonable opportunity to submit his/her clarification.

- (2) Notwithstanding anything contained in Sub-Section (1), the action to be taken against the Executive Director designated from the post of an incumbent judge, shall be in accordance with the law relating to his/her terms of services.

19. Functions, duties and powers of the Executive Director: The functions, duties and powers of the Executive Director shall be as follows:

- (a) To implement or cause to be implemented the decisions and directives of the Council and the Committee;
- (b) To prepare and submit before the Academy and the Committee the long- term plan, annual program and budget of the Academy;
- (c) To submit the progress report and the annual report of the Academy before the Committee and the Council;
- (d) To undertake or cause to be undertaken supervision, monitoring and evaluation of the training programs conducted by the Academy;
- (e) To carry out other functions as prescribed.

20. A judge may be sent on deputation: On the request of the Academy, a judge of a Court of Appeal or a District Court may be

sent on deputation to the Academy for a fixed term to undertake any function relating to research, study or training to be conducted by the Academy.

21. Provisions relating to the employees of the Academy: (1) There shall be employees in the Academy as prescribed.

(2) The appointment, salary and terms and conditions of service of the employees shall be as prescribed.

(3) On the request of the Academy, any employee of the Nepal Judicial Service may be deputed to work at the Academy for a specified period.

CHAPTER – 7

PROVISIONS RELATING TO FUND AND AUDITING

22. Fund of the Academy: (1) There shall be a separate Fund of the Academy and the following amounts shall be deposited in that Fund:

(a) Amounts received as grant from Nepal Government,

(b) Amounts received from any foreign government individual or international institutions or organizations,

(c) Amounts received by the Academy for consultancy services and research work,

(d) Amounts received through the sale of publications of the Academy,

(e) Amounts received from any other sources.

(2) Prior to receiving amounts pursuant to Clause (b) of Sub-Section (1), the Academy shall be required to obtain permission of Nepal Government.

- (3) Amounts in the Fund of the Academy shall be deposited in any bank by opening an account.
- (4) All expenses to be made in the name of the Academy shall be reimbursed from the amounts deposited in the fund pursuant to Sub-Section (1).
- (5) Operation of the Account of the Fund of the Academy shall be done as prescribed.

23. Accounts and Auditing: (1) The Accounts of income and expenditure of the Academy shall be maintained as required by the prevalent law.

- (2) Auditing of the Accounts of the Academy shall be done by the Auditor General.

CHAPTER – 8

MISCELLANEOUS

24. Formation of Sub-Committee and Task Force: (1) The Academy may form Sub-Committee or Task Force as required for performing any activities pursuant to this Act.

- (2) The functions, duties, powers and procedures of the Sub-Committee or the Task Force constituted pursuant to Sub-Section (1) and the facilities and benefits to be provided to the members of such Sub-Committee or Task Force shall be as prescribed by the Academy.

25. Annual Report to be published: (1) The Academy shall prepare and publish every year a Report on the activities undertaken by it.

- (2) The Report prepared pursuant to Sub-Section (1) shall

contain *inter alia* the programs conducted by the Academy throughout the year, amounts received by the Academy, statement of costs and expenses incurred for conducting programs, the achievements attained from the programs and the reforms to be made in the future.

26. Delegation of power : (1) The Council may, as required, delegate any power vested in it pursuant to this Act to the Board or the Executive Director.

(2) The committee may, as required, delegate any power vested in it pursuant to this Act to the Sub-Committee or the Task Force formed pursuant to Section 24, the Executive Director or any other official of the Academy.

(3) The Executive Director may, as required, delegate any power vested in him/her pursuant to this Act to any officer subordinate to him/her.

27. Contact with Nepal Government: The Academy, while contacting the Nepal Government, shall contact through the Ministry of Law, Justice and Parliamentary Affairs.

28. Power to frame Rules: The Academy may frame the necessary Rules for the purpose of carrying out the objectives of this Act

Provided that the Academy shall have consultation with the Nepal Government while framing Rules regarding remuneration and facilities and the issues which cause financial burden to the Nepal Government.

29. Effect of the inoperativeness of the National Judicial Academy Ordinance, 2062: With the National Judicial Ordinance, 2062 (2005) becoming inoperative, unless there seems a different

motive, the inoperativeness shall not;

- (a) Revive anything not in force or existing at the time the Ordinance became inoperative;
- (b) Affect any matter regarding operation of anything already duly performed or any anything already enjoyed or suffered as per that Ordinance;
- (c) Affect any right, facilities, duties or obligations acquired, accrued or enjoyed under the Ordinance;
- (d) Affect any sentence or punishment or forfeiture made under the Ordinance;
- (e) Affect any action or measure taken in respect of any such right, facility, duty, obligation or sentence or punishment as mentioned above, and any such legal proceeding or measure may be instituted, continued or enforced as if the Ordinance continued to be in force.