Some Public Documents Authentication
(Procedures) Act, 2063 (2006)

Date of authentication and publication
2063.6.5 (21 Sept. 2006)

Amendment,

Some Public Documents Authentication (Procedures)

Act number 4 of the year 2063 (2006)

Act Made to Provide for Amendment to and Consolidation of
Procedures of Authentication of Some Public Documents

Preamble: Whereas, it is expedient to make timely amendments and to consolidate
the prevailing laws relating to the authentication of some public deed;

Now, therefore, be it enacted by the House of Representatives in the first
year of the issuance of Proclamation of the House of Representatives, 2063.

1. **Short title and commencement**: (1) This Act may be called as the
"Some Public Documents Authentication (Procedures) Act, 2063 (2006)."

(2) This Act shall come into force immediately.

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

(a) "Public deed" means any of the following Documents:

   (1) Act,
(2) Ordinance,
(3) Rules framed by the Government of Nepal,
(4) Rules framed by the constitutional body,
(5) Order issued by the Government of Nepal,
(6) Resolution adopted by the Constituent Assembly or Legislature-Parliament,
(7) Letter of Authorization issued by the Government of Nepal,
(8) Resolution of the Government of Nepal, Council of Ministers,
(9) Letter of appointment to a post to be made pursuant to the Constitution,
(10) Letter of appointment, transfer and retirement to be given by the Government of Nepal pursuant to the prevailing laws,
(11) Such other documents as required to be authenticated pursuant to the prevailing laws,
(12) Such other documents as prescribed.

(b) "Authenticated text" means the original text signed by the public document authenticating authority.

(c) "Secretary" means the secretary of the Government of Nepal, and this word includes other officer of gazetted special class of the Government of Nepal.

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

3. **Procedure for authentication of Act**: (1) After a Bill is passed by the Constituent Assembly, the Legislature-Parliament Secretariat shall prepare

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1 Amended by Some Public Documents Authentication (Procedures) (First Amendment) Act, 2063.

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that Three copies of Bill in the Nepali paper and submit the same to the President for authentication.

(2) The Speaker shall sign the copies of the bill to be submitted pursuant to Sub-section (1) upon the date of passing it by the Legislature-Parliament.

(3) A Bill submitted pursuant to Sub-section (1) shall become authenticated and an Act when the President sign the copies of the Bill submitted pursuant to Sub-section (1), mentioning the date thereof.

(4) Out of the authenticated copies as referred to in Sub-section (3), one copy shall be retained in the Office of President, and, out of the other copies, one copy each shall be sent to the Office of Prime Minister and Council of Ministers, the Ministry of Law and Justice and the Legislature-Parliament Secretariat, and each such office shall safely retain the authenticated copy so received.

(5) Based on the authenticated text received pursuant to Sub-section (4), the Secretary at the Ministry of Law and Justice shall publish the Act, containing the date of authentication, in the Nepal Gazette.

4.3 **Authentication of resolution passed by the Constituent Assembly or Legislature Parliament**: (1) Any resolution passed by the Constituent Assembly or Legislature Parliament in accordance with the Interim Constitution of Nepal, 2063(2007) and other prevailing laws shall be authenticated by the signature of the Chairperson of the Constituent Assembly or the Speaker.

(2) Based on the authenticated text as referred to in Sub-section (1), the Secretary General or Secretary of the Constituent Assembly or gazetted
officer designated by the Secretary General shall implement it or cause it to be implemented.

5. **Procedure for authentication of ordinance:** (1) After a decision is made by Council of Ministers to issue an ordinance in accordance with Clause (1) of Article 88 of the Interim Constitution of Nepal, 2063 (2007), the Ministry of Law and Justice shall prepare Three copies of the draft of such an ordinance in the Nepali paper.

(2) The draft of ordinance prepared pursuant to Sub-section (2) shall be signed with the signature of the following office-bearer:

(a) The Prime Minister,
(b) Concerned departmental Minister,
(c) Minister for Law and Justice,
(d) Chief Secretary, Government of Nepal, and
(e) Secretary at the Ministry of Law and Justice.

(3) The Ministry of Law and Justice shall send the draft of ordinance signed pursuant to Sub-section (2) to the Office of Prime Ministers and Council of Minister, and the Office of Prime Minister and Council of Minister shall submit such a draft to the President for authentication.

(4) An ordinance submitted pursuant to Sub-section (3) shall become authenticated when the President sign the copies of the draft of ordinance, mentioning the date thereof.

(5) After an ordinance is authenticated pursuant to Sub-section (4), the ordinance shall apply as if it were an Act.

(6) After an ordinance is authenticated pursuant to Sub-section (4), out of such authenticated copies, one copy shall be retained in the Office of

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4 Amended by Some Public Documents Authentication (Procedures) (First Amendment) Act, 2063.
President, and, out of the other copies, one copy each shall be sent to the Office of Prime Minister and Council of Ministers and the Ministry of Law and Justice, and each such office shall safely retain the authenticated copy so received.

(7) Based on the authenticated text received pursuant to Sub-section (6), the Secretary at the Ministry of Law and Justice shall publish the ordinance, mentioning the date of authentication, in the Nepal Gazette.

5A. Authentication of order, letter of authorization, notice to be issued by the President:

(1) Any order, letter of authorization, notice or other document to be issued by the President pursuant to the Interim Constitution of Nepal, 2063 (2007) and other prevailing laws shall be authenticated by the signature of the President.

(2) Following authentication pursuant to Sub-section (1), the Office of President shall safely retain one copy in its office and shall forward to the Office of Prime Minister and Council of Ministers for the information of authentication of, and implementation of, such an order, letter of authorization, notice or other document and to the Ministry of Law and Justice for its publication in the Nepal Gazette if it has to be so published.

6. Authentication of rule, order, letter of authorization etc.;

(1) After the Government of Nepal, Council of Ministers makes decision in relation to the issuance of the following public documents, the chief secretary shall, based on that decision, sign two copies for authentication and retain one copy in the Office of Prime Minister and Council of Ministers and send the other copy to the concerned Ministry:

(a) Rules framed by the Government of Nepal,

(b) Orders issued by the Government of Nepal,
(c) Letters of authorization issued by the Government of Nepal,
(d) Decisions to be made by, directives or other public documents to be issued by the Government of Nepal, Council of Minister, pursuant to the prevailing laws.

(2) The concerned Ministry shall safely retain the authenticated copy received pursuant to Sub-section (1) and make implementation based on such authenticated copy.

7. **Authentication of other public Documents of the Government of Nepal**: The concerned secretary or other gazetted officer designated by him or her shall authenticate the public documents of the Government of Nepal, other than those set forth in Sections 3, 4, 5, 5A. and 6.

8. **Authentication of appointment to be made pursuant to the Constitution and other prevailing laws**: (1) The letter of such appointment to the office as to be made by the President pursuant to the Interim Constitution of Nepal, 2063 (2007) and other prevailing laws shall be authenticated by the signature of the President.

(2) The Office of President shall safely retain the authenticated copy as referred to in Sub-section (1) in its office and shall forward to the Office of Prime Minister and Council of Ministers for the information of authentication of, and implementation of, such an order, letter of authorization, notice or other document and to the Ministry of Law and Justice Affairs for its publication in the Nepal Gazette if it has to be so published.

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6 Amended by Some Public Documents Authentication (Procedures) (First Amendment) Act, 2063.
7 Amended by Some Public Documents Authentication (Procedures) (First Amendment) Act, 2063.
(3) The appointment to be made pursuant to the Interim Constitution of Nepal, 2063 (2007), except that mentioned in Sub-section (1) shall be authenticated and implemented by such authority and in such manner as prescribed.

9. **Authentication of order:** Orders of the Government of Nepal, other than those set forth in Section 6 shall be authenticated by such authority and in such manner as prescribed.

10. **Authentication of rule, bye-law or directive to be framed by constitutional body:** (1) The two copies of a rule, bye-law or directive to be framed by a constitutional body pursuant to the prevailing law shall be authenticated with the signature of the chief officer-bearer of such a constitutional body.

   (2) Out of the authenticated copies as referred to in Sub-section (1), the constitutional body and the concerned Ministry shall safely retain one copy each.

11. **Authentication of other public Documents:** The public documents as prescribed, other than those set forth in Sections 3, 4, 5A., 6, 7, 8, 9 and 10\(^8\) shall be authenticated by such authority and in such manner as prescribed.

12. **Not to affect the matter of authentication to be effected pursuant to other prevailing law:** If any prevailing law provides for a separate provision in relation to the authentication of any public document, nothing contained in this Act shall affect such a matter.

13. **National archive of public Documents to be maintained:** (1) A public document authenticated pursuant to this Act shall be maintained in

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\(^8\) Amended by Some Public Documents Authentication (Procedures) (First Amendment) Act, 2063.

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the national archives upon fulfilling the prescribed procedures after the completion of the prescribed period.

(2) In maintaining the public document in the national archives pursuant to Sub-section (1), the micro-film of the public documents as prescribed shall be prepared.

14. **Penalties:** (1) If a person forges an Act or ordinance, authenticates or certifies any false matter or overwrites or strikes through any Act or ordinance authenticated pursuant to this Act, the person shall be liable to a punishment with imprisonment for a term ranging from Five years to Ten years.

(2) A person who commits an offence other than that set forth in Sub-section (1) shall be liable to punishment with imprisonment for a term ranging from One year to Five years.

(3) A person who attempts to commit, entices other to commit the offence as referred to in Sub-section (2) or who is an accomplice shall be liable to half the punishment to be imposed on the principal offender.

(4) If a person suffers any loss or damage as a consequence of the commission of the offence as referred to in this Section, the person shall also be liable to the recovery of compensation for the same.

15. **Government to be the Plaintiff:** A case under this Act shall be deemed to be included in Schedule-1 of the Government Cases Act, 2049.

16. **Power to frame Rules:** The Government of Nepal may frame necessary Rules for the implementation of the objectives of this Act.

17. **Repeal and Saving:** (1) The following laws are, hereby, repealed:

(a) The Royal Seal Act, 2015,
(b) The Rules Relating to Royal seal (Punishment Confirming) Procedures, 2018,

(c) Rules of Certification of Orders of the Government of Nepal,

(d) Rules of Certification of Orders of His Majesty the King,

(e) The Royal Seal (Procedure) Rules, 2054.

(2) Nothing contained in this Act shall be deemed to have an adverse effect on any act and action done and taken pursuant to the laws repealed pursuant to Sub-section (1).

(3) The Bills already authenticated by the Speaker of the House of Representatives pursuant to the Rules of the House of Representatives at the time of commencement of this Act shall be deemed to have been authenticated pursuant to this Act.