

Some Public Documents Authentication Rules, 2063 (2006)

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Amendment

Some Public Documents Authentication

(First Amendment) Rules, 2064

2064.4.28 (13 Aug. 2007)

In exercise of the power conferred in section 16 of some public document's Authentication (Procedures) Act, 2007, The Government of Nepal has formulated the following Rules.

1. **Short title and commencement:** (1) These Rules may be called as "Some Public Documents Authentication Rules, 2063 (2006)".

(2) These Rules shall come into force immediately.

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

a) "Act" means some public Documents Authentication (Procedures) Act, 2063 (2006).

b) "Chief Secretary" means the chief Secretary of the Government of Nepal.

c) "Proclamation of House of Representatives, 2063" means the proclamation issued by the then house of representatives after passing it by the meeting of the House of Representatives on the date of *Jestha* 5th of the year 2063 B.S.

3. **Authentication of appointment to be made pursuant to the constitution:** (1) the appointment of the following post to be made pursuant to the prevailing constitution and the proclamation of the house of Representatives, 2063 shall be authenticated by the chief secretary :-

- a) Chief Justice,
- b) ¹,
- c) Member, Judicial Council,
- d) Chief Commissioner, Commission for Investigation on Abuse of Authority,
- e) Auditor General,
- f) Chairman, Public Service Commission ,
- g) Chief Election Commissioner, Election Commission,
- h) Attorney General,
- i) ²,
- j) Chief of Army Staffs,
- k) Commissioner, Commission for Investigation on Abuse of Authority,
- l) Member Public Service Commission,
- m) Commissioner, Election Commission,
- n) Secretary General, Parliament Secretariat,
- o) Secretary, House of Representatives,

¹ Deleted by First Amendment

² Deleted by First Amendment

p) Secretary, National Assembly,

q) ³

(2) On the basis of the authentication made pursuant to Sub-rule (1), Chief Secretary himself or the secretary of the office of the prime ministers or council of minister shall give the appointment letter to the concerned official.

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(3) The original text of the Authentication made, pursuant to Sub-rule (1) will be kept in the office of the prime minister or council of minister by the chief secretary and an attested copy shall be sent to the concerned ministry.

⁵(4) The Authentication of the appointment on the post of the justice of Supreme Court, the Chief Judge or the Judge of appellate court and the District Judge shall be made by the Chief Justice.

⁶(5) On the basis of the authentication made Pursuant to Sub-rule (4), the registrar of the Supreme Court shall give the appointment letter to the concerned official.

4. **Authentication of Order:** Orders of the Government of Nepal mentioned (set-forth) in section 9 of the Act shall be authenticated by the specified Gazatted Officer of the Government of Nepal, prescribed by Government of Nepal during issuance of such order.

5. **Authentication of Appointment to be made pursuant to law:** (1)
Appointment to be made by Government of Nepal, Council of

³ Deleted by First Amendment

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⁶ Inserted by First Amendment

Ministers pursuant to the prevailing laws, except mentioned in the Act shall be Authenticated by the Chief Secretary.

(2) Pursuant to the Authentication made in accordance to Sub-rule (1), the appointment for the post of Gazetted special class of various services of the Government of Nepal or equivalent post or for the higher post then this, the Chief Secretary himself or the Secretary of the office of Prime Minister or Council of Ministers prescribed by him shall give the appointment letter to the concerned person.

(3) Appointment for the post other than those mentioned in Sub-rule (2), Chief Secretary will send the copy of Authentication made in accordance to Sub-rule (1) to the concerned ministry and the Secretary of the ministry shall give appointment letter to the concerned person.

(4) Notwithstanding anything contained in these Rules, the appointment of the officials of the corporate body under or related to a ministry, the secretary of the ministry shall give the appointment letter to the concerned individual, after completing the procedure pursuant to Sub-rule (3),

Provided that,

The Chief Secretary himself shall give the appointment letter to the Governor of Nepal *Rastra* Bank.

6. **Authentication of decision related to pardon:** (1) The decision to be made for pardon, deferment, alteration or reduce of sentence prescribed by any court, special court, military court, judicial or administrative official or authority, shall be authenticated by the Chief Secretary.

(2) The Chief Secretary shall send the attested copy of the decision authenticated pursuant to Sub-rule (1) to the Secretary of the Ministry of Home Affairs for implementation.

(3) On the basis of the attested copy received pursuant to Sub-rule (2), the decision made pursuant to Sub-rule (1) shall be implemented or made to be implemented by the Secretary of the ministry of Home Affairs.

7. Authentication of decision related to withdrawal of cases:

While withdrawing the criminal cases where the Government of Nepal has to be a plaintiff, the decision to be made by Government of Nepal, Council of Ministers regarding the withdrawal of such cases shall be authenticated by the Chief Secretary and on the basis of such authentication the secretary of Ministry of Law and Justice shall implement or make it to be implemented.

8. Authentication of other public documents: (1) Except those mentioned in the Act or these Rules, out of the decisions made by Government of Nepal or issued orders or letter of Authorization, the decisions, made or issued by council of ministers shall be authenticated by Chief Secretary and the decision, orders or letter of Authorization made or issued by ministry shall be authenticated by the Secretary of the concerned ministry and Except those set forth herein, other types of documents, orders or functions/ actions or decisions shall be authenticated according to the decision of Government of Nepal.

(2) Notwithstanding anything contained in Sub-rule (1), if any specific officer has been authorized, to authenticate any specify public document pursuant to prevailing law then such document shall be authenticated by such officer.

9. **Authentication of the order has to be issued pursuant to the constitution:** Other than those set forth in the Act or these Rules, if separate arrangement is prescribed for the authentication of the orders to be issued pursuant to the prevailing constitution and proclamation of the House of Representatives, 2063 then it shall be authenticated as prescribed and if such arrangement does not exist then it shall be authenticated by the chief secretary or the secretary of the office of Prime minister or council of ministers.
10. **To be published in Nepal Gazette:** The following public documents authenticated pursuant to the Act or these Rules shall be published in the following part of the Nepal Gazette for the knowledge (information) of general public:
- (a) Constitution or proclamation equivalent to Constitutions, Part: 1
 - (b) Act or ordinance, Part: 2
 - (c) Rules, orders issued by Government of Nepal or Letter of Authorization, Part: 3
 - (d) Appointment or other Notice made pursuant (under) to constitution, part: 4
 - (e) Notice to be made to publish pursuant to Act, Rule or order or according to the decision of Government of Nepal, Part: 5
 - (f) The treaty in which Nepal is a party, Part: 6

(2) While publishing in Nepal Gazette pursuant to Sub-rule (1), for Act, ordinance or treaty the Secretary of the ministry of Law and Justice, for Rule, Secretary of the concerned ministry and for other notice, Secretary or at least the second class officer

authorized by secretary of the ministry which is responsible for implementation shall be liable to publish.

(3) Notwithstanding anything contained in these Rules, the order or decision or such a subject which can be implemented without publishing in Nepal Gazette shall not require to be published in Nepal Gazette.

(4) If there is predicament on whether any notice has to be published or not in the Nepal Gazette, the decision made by the ministry of law and justice shall prevail in that matter.

11. To be send in he National Archive: (1) The authenticated text of the public documents, authenticated pursuant to Act or these Rules shall be send to the National Archives by the concerned body or ministry to keep the documents for protected, after completion of the following period:

- a) For constitution or Act, Twenty Five Years,
- b) For Treaty in which Nepal is a party ,twenty years,
- c) For Rule and order, Ten years,
- d) For other Documents which Nepal Government has decided to send to the National Archives to keep the document protected, Five years.

(2) Out of these public documents received pursuant to Sub-rule (1), National Archives shall prepare the micro film of the Constitution, Acts and the bilateral treaties with foreign countries then such authenticated texts and micro fill shall be kept protected.