

# Public Service Commission Act, 2066 (2010)

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Act Number 11 of the Year 2066 (2010)

## An Act made to provide for provision relating to functions, duties, powers and procedures of Public Service Commission

**Preamble:** Whereas, it is expedient to make timely provisions on the functions, duties, powers and procedures of Public Service Commission;

Now, therefore, be it enacted by the Constituent Assembly pursuant to Article 83 of the Interim Constitution of Nepal 2063 (2007).

### Chapter - 1

#### Preliminary

1. **Short title and Commencement:** (1) This Act may be called "Public Service Commission Act 2066 (2010)."
  - (2) It shall come into force immediately.
2. **Definition:** Unless the subject or the context otherwise requires; in this Act,
  - (a) "Constitution" means the Interim Constitution of Nepal, 2063 (2007).
  - (b) "Commission" means Public Service Commission constituted pursuant to Article 125 of the Constitution.
  - (c) "Chairperson" means the chairperson of the Commission.

- (d) "Member" means the member of the Commission and this term also includes the Chairperson.
- (e) "Authority" means an official with powers to make appointment in a post pursuant to prevailing law.
- (f) "Civil service or position" means all services or positions in the Government of Nepal, other than the services and positions of army officers or soldiers, armed police and police personnel and such other services and positions as are excluded by any Act from the civil service or positions thereof.
- (g) "Other government service" means any other government service other than civil service, armed police service and police service.
- (h) "Public body" means any corporate body of which the Government of Nepal owns or controls Fifty percent or more of shares or the assets.
- (i) "Fulfillment of Vacancy" means the fulfillment made by open competition or by promotion for the vacant post of the civil service.
- (j) "General Principles" means the general principles to be followed in the course of making an appointment and promotion to any position of Army service, armed police service or police service or other government service; and to be followed by public body in the course of making appointment and promotion to any position of the service of the public body and taking departmental action against any employee.
- (k) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules made under this Act.

## **Chapter -2**

### **Transaction of Business and management of the Commission**

3. **Establishment of the office of Commission:** (1) For the transaction of the business and management of the Commission there shall be a head office at central level and the Commission may, as per necessity, establish its Department and other offices in regional, zonal or district level.
- (2) The site of the Department and office to be established pursuant to Sub-section (1) shall be as prescribed by the Commission.
- (3) The office existed at the time of the commencement of this Act shall be deemed to have been established under this Act.
- (4) The organizational structure and the number of ceiling of the employee in the Commission shall be as approved by the Government of Nepal in the recommendation of the Commission.
4. **Meetings of Commission:** (1) All the functions to be performed by the Commission in accordance with the constitution, this Act or other prevailing laws shall be carried out as decided by the meeting of the Commission.
- (2) The Chair person shall preside over the meetings of the Commission and in his/her absence the senior most member among the presented members shall preside over the meetings of the Commission.
- (3) The meetings of the Commission may be held if at least Fifty percent members of the total members of the Commission are present.
- (4) The majority opinion of the meeting of the commission shall be deemed as the decision of the meeting and in case of a tie the person who chairs the meeting shall exercise the casting vote.

(5) The minutes of the meeting shall be authenticated by the Secretary of the Commission.

(6) The other procedures relating to the meeting of the Commission shall be as determined by the Commission itself.

5. **Allocation of Work**: The allocation of work to be performed by the Chairperson and members shall be as prescribed by the Commission.
6. **Provisions relating to Staffs**: (1) The Government of Nepal shall provide staffs as may be required for the transaction of business and management of the Commission.  

(2) The government of Nepal shall, while making transfer any employee working in the Commission from the Commission to any other office, take consent with the Commission.
7. **Power to avail services of specialist or expert**: (1) The commission may, for the work to be performed by it in accordance with the Constitution, this Act and other prevailing law, avail the services of specialists or experts or the specialized body.  

(2) The Chairperson shall nominate or select the specialists or experts or specialized body in order to avail services pursuant to Sub-section (1) and having obtained such services the Commission shall pay remuneration and facilities as prescribed by it to the concerned specialist or experts or specialized body.
8. **No need to take approval**: The approval of Ministry of Finance shall not be required for the Commission to spend the moneys allocated by the Government of Nepal for the commission under miscellaneous head and the Commission shall be empowered to spend such money under the prevailing law.

9. **Power to liaise and to have an opinion:** (1) The Commission may, in respect of its function and duties, directly liaise, consult or take opinion with any constitutional body or any Ministry, Department and office of the Government of Nepal or with public body.

(2) Notwithstanding anything contained in Sub-section (1), the Commission shall liaise with the Government of Nepal through the office of Prime minister and the Council of Ministers for the matter to be decided by the Government of Nepal (cabinet) which is concerned with the Commission.

(3) If the Commission considers that it is appropriate to seek advice on any constitutional or legal question relating the business of the Commission, it may seek advice of Government body or the Attorney-General or other government attorney.

10. **Legal defence:** In order to make a petition to or to institute a case on behalf of the Commission in any office or court, or to prepare necessary affidavit/document or to defend; or to make written reply or statement or to defend in case any legal proceeding or a lawsuit has been filed by any one against the Commission, the Commission may, on the basis of necessity or propriety, procure service of the Government attorney or seek advice of other legal practitioner or the Government attorney both upon the advice of the Attorney-General.

11. **The Commission may offer suggestion:** (1) In the course of business carried out by the Commission or on the basis of conclusion drawn from the seminar or discussion organized by it, it may offer the suggestions to reform in service law of civil service to the concerned body.

(2) The commission shall include the particulars of the suggestion offered by it pursuant to Sub-section (1) in its annual report.

12. **The Commission may cooperate in the work of fulfillment of vacancy:** Notwithstanding anything contained in the prevailing law, the Commission may provide necessary assistance for the works as prescribed including examination to make fulfillment of the vacant post of army service, armed police service, police service, or service of public body which has consulted with the commission.
13. **Power to supervise and monitor:** (1) The commission may supervise or cause to supervise as to whether the appointment, promotion or departmental action made by Constitutional body or the Ministry, Secretariat, Department or Office of the Government of Nepal in accordance with the constitution, this Act or other prevailing law and the procedures and the conditions prescribed by the Commission from time to time, are abided by or not.
- (2) The Commission may monitor or cause to monitor as to whether the body authorized to operate or manage army service, armed police service or police service or other government service or the service of public body which has taken consultation with the commission in regard to general principles has acted or not in accordance with the general principles issued by the Commission.
14. **Power to declare an act as unlawful act, or to cancel:** (1) In the course of supervise or cause to supervise pursuant to Sub-section (1) of Section 13, if the Commission finds that any appointment, promotion or departmental action has been carried out without fulfilling the procedure and the condition prescribed by the Constitution, this Act and other prevailing law and the procedure and the conditions prescribed by the Commission from time to time, it may declare such appointment, promotion or departmental action as unlawful action.

(2) Notwithstanding anything contained in the prevailing law, if the Commission finds that any person has been appointed in a post to be appointed under the power delegated by the Commission without fulfilling the procedure and conditions determined by this Act or the Rules framed here under, it may cancel such appointment at any time.

(3) If it is proved that any particulars submitted to the Commission by a person in order to be a candidate for the examination under the vacancy announcement (advertisement) made by the Commission is fake and incorrect, it may cancel the application of such candidate or his/her examination or interview; and may forward a recommendation to the concerned body in order to take action against him/her in accordance with prevailing law if he/she has already been appointed.

(4) In the course of monitoring or causing to monitor pursuant to Sub-section (2) of Section 13, , if the commission finds that it's consultation in respect of general principles has not been followed, it may issue an order in name of concerned body to rectify or cancel the action.

15. **Power to forward recommendation for taking departmental action:** (1) if a employee involved in the work of examination, commits an irregular act in the examination center, the commission may immediately remove him/her from the assignment of examination or on the gravity of offence may forward a recommendation to the concerned authority for taking departmental action against him/her in accordance with the concerned service law in force.

Provided that, in case of employee of the Commission, it may take action against him/her itself or may forward a recommendation to the concerned authority in order to take action.

(2) In case of employee who has committed any irregular act pursuant to Sub-section (1) or (2) of Section 14, the Commission may forward a recommendation to the concerned authority for taking departmental action against him/her in accordance with the prevailing service law.

(3) If the commission forwards a recommendation for departmental action pursuant to Sub-section (1) or (2), the concerned authority shall take departmental action against him/her within the period prescribed by the Commission and shall inform the Commission thereof as soon as possible.

16. **Commission may frame general principles:** (1) The commission may frame general principles to be followed in the course of making appointment or promotion to any position of the army service, armed police service or police service or other government service or to be followed while making appointment, promotion or taking departmental action against any employee in the service of any public body.

(2) In the course of framing general principles for public body pursuant to Sub-section (1) the Commission may frame general principle in such a way to be applied equally for all public bodies or to be applied separately for the concerned public body only.

(3) The general principles framed by the Commission pursuant to Sub-section (1) or (2) shall be published.

17. **Consultation on general principles:** (1) The public service Commission shall be consulted on the general principles to be followed in the course of making appointment and promotion to any position of the army service, armed police service or police service or other government service.

(2) A public body may consult with the Commission on the matter of prevailing law relating to the conditions of service of the employee in the service of such body and on the general principles to be followed in the



course of making appointment and promotions to any position of such service and taking departmental action against any such employee.

(3) The concerned authority or public body shall frame service law for its employee on the basis of consultation obtained from the Commission.

18. **Power to carry out Research and promotional work:** The Commission may carry out research and promotional work from time to time in order to make civil service more competent and effective and to increase attraction towards Civil service.

19. **Co-ordination and co-operation:** The Commission may co-ordinate or promote mutual relation or co-operation with national and international institutions established having similar objectives like the commission.

20. **Delegation of Power:** The commission may delegate any of its functions, duties and powers conferred on it by the Constitution, this Act or Rules framed hereunder or other prevailing law, to any of its member, or a Committee of members, or any of its' office or employee or any other employee of the Government of Nepal to be exercised and complied with subject to the condition prescribed by it.

(2) The Commission may withdraw the power delegated pursuant to Sub-section (1) at any time.

21. **Power to provide additional facilities:** If the commission has to depute to its Member or employee for overtime or has to assign special task related with the function of the Commission to its Member, employee or any person, it may pay the amount for over time or special task and the amount of expenses made for meal and Tiffin as additional facility.

## Chapter - 3

### **Determination of academic qualification, curriculum and other provision**

22. **Determination of academic qualification**: (1) The minimum academic qualification to be required for a post of civil service to be filled by open competition shall be as determined by the prevailing service law of concerned service group or sub-group.
- (2) Prior to determination of academic qualification pursuant to Sub-section (1), the concerned Ministry, Secretariat or body which is authorized to manage and operate the concerned service, group or sub-group shall consult with the Commission.
- (3) Notwithstanding anything contained in other prevailing law, it shall be decided by the Commission as to whether a qualification obtained by a candidate from a university or an academic institute is equivalent to the qualification determined for any position of civil service.
23. **Curricula and Testing Method**: The curricula of exam to be given by the commission in order to fill the vacant post of civil service, the full marks, pass mark, testing method of such curricula and other provisions regarding the curricula shall be as prescribed.

## Chapter 4

### **Provision relating to fulfillment of vacant post**

24. **Method for selection of candidate**: The Commission may, while selecting suitable candidate for the fulfillment of the vacant post in civil service, adopt any one of the following methods or more than one method;
- (a) Written examination
  - (b) Practical examination
  - (c) Interview

(d) Other methods prescribed by the Commission from time to time.

25. **Method of fulfillment of vacancy:** (1) The number of vacant post of civil service to be filled by open competition and by promotion shall be determined on the basis of percent as referred to in the prevailing service law; and such vacancy shall be filled accordingly.

(2) The method of examination, to be held for the fulfillment of the vacant post by open competition or by promotion, exam fee, the format of application, the fee for application form and other provisions regarding examination shall be as prescribed by the Commission.

26. **Requisition for vacancy fulfillment:** In order to fill the vacant post of civil service, the authority shall make requisition with the commission upon mentioning the name of concerned service, group, sub-group, class, number of post, determined job description and the minimum qualification to be required for the concerned post in the formal request form as prescribed.

27. **Vacancy announcement:** (1) After determining the number of post pursuant to Sub-section (1) of Section 25, the Commission shall publish separate vacancy announcement (advertisement) for open competition and promotion.

(2) The Commission shall set out, *inter alia*, the time limitation to register the application form, the number of vacant post, examination fee and other details as prescribed in the vacancy announcement to be published pursuant to Sub-section (1).

28. **Power to revoke vacancy announcement or examination:** (1) If the concerned authority makes written request with the Commission to revoke the vacancy announcement published by the Commission in advance of the taking an examination citing the fulfillment of vacant post should not be taken place under such announcement or the concerned post is not needed

and mention the reason thereof, the commission may revoke such vacancy announcement.

(2) If, any irregularity takes place in the centre of examination conducted by the Commission or the examination could not take place partially or totally due to any obstacle, the Commission may, upon mentioning the reasons, revoke the exam of that day or revoke the partial or total examination of the concerned vacancy announcement.

29. **Commission shall refund exam fee:** (1) if the vacancy, announcement has been canceled or the application form has been rejected pursuant to Sub-section (1) of Section 28, the Commission shall refund examination fee to the applicant if he/she produces an application before the Commission to get refund within the period prescribed by the Commission.

30. **Question setting and operation of exam:** (1) The setting of question paper to be required for the examination to be held by the Commission and its moderation shall be as prescribed.

(2) The Commission shall, in order to select the candidate, conduct the examination as per the necessity of the job nature of the concerned post and the method of the exam shall be as prescribed by the Commission.

31. **Power to restrict or expel:** (1) If a candidate commits any irregularity in an examination centre or violates the condition prescribed by the Commission, the Commission may revoke the examination of such candidate and restrict him/her with being disqualified to be a candidate in an examination to be conducted by the Commission after the period of restriction for the period prescribed by the Commission.

(2) If a candidate termagantly hinders or obstructs in the operation of examination, the superintendent of examination centre may immediately expel him/her from the examination centre and if he/she has been expelled the examination of total subject taken by him/her under that vacancy announcement shall, *ipso facto*, be cancelled.

32. **Coding in Answer-sheets:** (1) After completing written or practical examination to be conducted by the Commission, it shall put code number on answer sheet in accordance with the process as prescribed.
- (2) For the purpose of checking answer-sheets by electronic system, the barcode as prescribed may be used in answer-sheets.
- (3) Should the barcode have been used pursuant to Sub-section (2) it shall not be required to put separate code number on answer sheets.
33. **Checking of answers sheets:** (1) After putting code number on answer-sheets pursuant to Section 32, the Commission shall cause to check answer sheets by experts or specialists.
- (2) The other provision regarding the checking of answer-sheets shall be as prescribed.
34. **Result publication of written or practical test:** (1) While publishing the result of written or practical test, the Commission shall, in such number of ceiling as prescribed on the basis of ratio of vacancy, publish the result of examination upon mentioning the roll number, name and surname etc of the candidate who have obtained the highest marks from amongst the candidates who have passed in the examination.
- (2) While publishing the result pursuant to Sub-section (1) the Commission shall set out the programme and date of further test, including interview, to be conducted in various steps.
35. **Formation of Interview Committee:** (1) It shall be formed an Interview Committee as prescribed in Head office to be headed by Chairperson or by a Member or by any other person designated by the Chairperson in order to select the candidate.
- (2) Except in Head office of the Commission the formation of Interview Committee in other offices of the Commission shall be as prescribed.

(3) The commission shall maintain inclusive participation while forming interview Committee pursuant to Sub-section (1) or (2).

**Explanation:** For the purpose of this Sub-section, if at least one person is nominated as a member of an Interview Committee from amongst the persons of women, indigenous nationalities, *madhesi*, *Dalit*, and remote areas, it shall be considered to have been inclusive.

(4) The other provisions regarding interview shall be as prescribed.

36. **Publication of final result:** (1) After completing total process regarding the selection of candidate the Commission shall publish the final result of the test upon mentioning the candidate's roll number, name, surname, address including the office recommended for him/her on the basis of merit list who have secured highest marks.

(2) While publishing final result pursuant to Sub-section (1) the Commission shall publish including the list of alternative candidates, in such numbers as prescribed.

(3) While publishing final result pursuant to this Section, the Commission shall public a list of temporary candidates in such numbers as prescribed from amongst the candidates who have not been selected from the interview and have obtained minimum pass mark.

(4) While recommending for temporary appointment from the list of candidates pursuant to Sub-section (3), the Commission shall recommend the candidates in the first merit list who have been included in alternative list and have not got permanent appointment.

37. **Recommending for appointment:** (1) The commission shall, on the basis of merit list, recommend the authority to appoint the candidates pursuant to Sub-section (1) of Section 36.

(2) If the Commission revokes the recommendation of appointment of a candidate pursuant to Sub-section (3) of Section 14 who was recommended for the appointment pursuant to Sub-section (1) or in other

condition as prescribed, the Commission shall recommend alternative candidate on the basis of merit list for the appointment.

(3) The other provision relating to the recommendation to be made for the appointment of candidates shall be as prescribed.

38. **Preliminary test:** (1) The commission may take joint or separate preliminary test for a post of a service, group and sub-group prescribed by it.

Provided that, among the posts for which the preliminary test requires the commission shall have the power to exclude the posts allocated for a particular competition from the requirement of preliminary test.

(2) The commission shall publish the announcement of preliminary test pursuant to Sub-section (1) upon setting out necessary particulars thereof.

(3) If the preliminary test is carried out by the Commission pursuant to Sub-section (1) only those persons passed in such test may be eligible to be a candidate for the vacant post of concerned service, group and sub-group to be filled by open competition.

(4) A person who has been passed in the preliminary test may, subject to age bar as referred to in prevailing service law, be a candidate for a vacant post to be filled by open competition for such period as prescribed by the Commission from the date of being passed in such examination.

(5) The fee of preliminary test and other provision shall be as prescribed by the Commission.

39. **Electronic medium may be used:** The Commission may use electronic medium for the work of requisition of vacant post, vacancy announcement, operation of examination and result publication etc on the basis of appropriateness.

40. **Duty to extend co-operation:** (1) It shall be the duty of constitutional body or Government office or academic institution to provide employee, building or class room to the Commission for carrying out examination.
- (2) The commission shall pay for the employee who have been deputed by it for its work pursuant to Sub section (1) and pay the rent for using the building or class room.

## **Chapter -5**

### **Procedure relating to consultation**

41. **Procedure to be followed to seek consultation of the Commission:**
- (1) While seeking consultation of the Commission on the laws in force relating to the condition of service of the employee in civil service, it shall be taken through the Ministry or Secretariat which is authorized to operate and manage the concerned service and group. If it requires to make a new law relating to the conditions of the civil service or to amend in existing law it shall be forwarded to the Commission upon setting out reasons thereof and other necessary particulars.
- (2) While seeking consultation of the Commission on the general principles to be followed in the course of making appointment or promotion to any position of civil service and taking departmental actions against an employee of such service, the said consultation shall be taken along with the decision thereof from the commission through the Ministry or Secretariat which is authorized to operate and manage the concerned service and group.
- (3) While seeking consultation of the Commission on the matters concerning the suitability of any candidate to a civil service position for a period of more than Six months, it shall be forwarded to the Commission by encompassing the decision of concerned Ministry or Secretariat or body.



(4) While seeking consultation of the Commission on the matter concerning the suitability of any candidate for transfer or promotion from one service to another within the civil service or from any group or sub-group to another group or sub-group within civil service or from any other government service to the civil service or to transfer or promote any employee working in any position which does not require consultation with the Commission to any position which requires consultation with the Commission, the concerned Ministry which is authorized to operate and manage the concerned service and group shall, along with the decisions made by the Council of Ministers, forward it to the Commission upon setting out the concerned candidate's name, address, academic qualification, experience and other particular regarding his/her appointment.

(5) While seeking consultation of the Commission on the matters relating to departmental action against any civil employee the authority who imposes penalty shall, by completing the detail procedure thereof as referred to in prevailing service law and by evaluating the clarification and evidence submitted by the concerned employee on the matters of charge and proposed penalty against him/her, forward the original files thereof along with the proposed penalty to be imposed on him/her and the decision of authority to punish him/her.

(6) While seeking consultation of the Commission on the formation of civil service and other necessary government services, it shall be forwarded to the Commission upon clearly setting out, *inter alia*, the objectives of formation, the group or sub-groups to be remained under that service, division of class, appointment, promotion, the other conditions of service and the matters of uniformity, co-ordination and adjustment to be maintained with civil service and various services under government services.

(7) While seeking consultation of the Commission on the general principles pursuant to Sub-section (1) or (2) of Section 17, it shall be forwarded to the Commission through the concerned Ministry or Secretariat upon setting out the reasons thereof and necessary particulars.

(8) The other provision regarding the seeking of consultation shall be as prescribed.

42. **The procedures to be followed while giving consultation by the**

**Commission**: (1) If the consultation has been sought from the Commission, it shall, in order to make civil service competent and effective, give consultation upon considering the matters to be made different provision and to be made uniform provision on the basis of job nature and condition of civil service.

(2) If the consultation has been sought from the Commission pursuant to Sub-section (2) of Section 41, the Commission shall give consultation upon considering including general principles set by it regarding to civil service.

(3) If the consultation of the Commission has been sought pursuant to Sub-section (3) or (4) of Section 41, it shall test the suitability of the candidate by one or more than one methods as mentioned in Section 24 as per necessity upon considering the job nature of civil service or post and shall give consultation accordingly.

(4) If the consultation of the commission has been sought pursuant to Sub-section (5) of Section 41 it shall examine whether the procedure prescribed by the prevailing service law has been completely followed or not; and shall cause to follow the procedure in case the procedure has not been completely followed and give consultation upon taking further evidence as per necessity with the authority.

(5) If the consultation of the Commission has been sought pursuant to Sub-section (6) of Section 41, it shall give consultation upon considering the objectives, utility and significance of the proposed service, group or sub-group and the matters which make civil service and other government service further competent and effective.

(6) If the consultation of the Commission has been sought pursuant to Sub-section (7) of Section 41, it shall consider the nature of service and situation and give consultation in such a way to be applied common provision for all as far as possible.

(7) For the purpose of giving consultation pursuant to this provision, the Commission may procure the opinion and advice of experts of the concerned matter.

(8) The other procedures to be followed by the Commission to give consultation shall be as prescribed by it.

43. **Implementation of the consultation of the Commission:** (1) After taking consultation of the Commission on the matter to be consulted with it pursuant to the Constitution, this Act or other prevailing law, it shall be the obligation of the authority, who has sought the consultation, to implement or cause to implement the consultation provided by it on the matter.

(2) If any difficulty arises to implement the consultation provided by the Commission due to any specific reason or situation and the authority who has taken the consultation may request with the commission for reconsideration of the consultation upon setting out the reasons thereof and if the Commission receives the said request and finds adequate ground and rationale to amend in the pre-consultation in the course of consideration, it may provide re-consultation in the matter.

(3) The concerned authority shall implement the consultation provided by the Commission relating to departmental action within a period prescribed by it and informs the commission thereof.

44. **Power to declare the action to be void**: In case any act or action has been done or taken without taking consultation of the Commission which requires consultation with it pursuant to the Constitution, this Act or other prevailing law, it may declare the said act or activity to be void.

## Chapter -6

### Miscellaneous

45. **Confidentiality of document**: (1) The document and instrument relating to the examination of the Commission shall be confidential.

(2) Notwithstanding anything contained in Sub-section (1), the instrument or particulars thereof as prescribed by the Commission regarding the examination may be provided to concerned person or may be published.

46. **Complaint may be lodged**: (1) A person, who is not satisfied with the act performed by the authority under the power delegated by the Commission, may lodge a complaint with the Commission or with authority prescribed by it within a period of Thirty five days from the date of such commission.

Provided that, in case where a separate provision of appeal has been provided it shall be governed by the said provision.

(2) If a complaint has been lodged pursuant to Sub-section (1), the Commission may issue an appropriate order upon making an inquiry in to the complaint and in the course of inquiry if it appears that there is no need to proceed any further action it may terminate the complaint.

47. **Power to give reward**: (1) The commission may, among the employee working at Head or other offices of the Commission, select three employee who have done best work in the year and provide monetary reward each year.
- (2) For the purpose of Sub-section (1) the procedure to select the employee who has performed best work shall be as prescribed by the Commission.
48. **Power to determine charge and fee**: Notwithstanding any thing contained in this Act, the Commission may determine fee and charge as required with regard to its business.
49. **Annual Report**: The commission shall submit its annual report, to be submitted under the Constitution, generally within Three months from the ending of fiscal year.
50. **To be governed by prevailing law**: The matters set forth in this Act shall be governed by this Act and other matters shall be governed by the prevailing Act.
51. **No adverse effect**: No matter mentioned in this Act shall make adverse effect on the matters of functions, duties and power falling within the ambit of judicial Service Commission.
52. **No suit to be entertained**: No suit shall be instituted in any court in respect to any action taken with *bonafide* intention under this Act or Rules made there under by the Commission or the chairperson or any member or employee.
53. **Power to frame Rules**: In order to implement this Act, the Commission shall have the power to frame Rules and such Rules shall come in to force after being published in Nepal Gazette.

54. **Power to make Guidelines:** In order to transact the business or cause to transact the business to be transacted by the Commission it shall, as per necessity, have the power to frame Guidelines and to give effect it.
55. **Power to remove difficulties:** If any difficulty arises in connection with the implementation of this Act, the Commission shall have the power to provide necessary arrangement to remove such difficulty without prejudicing the sprit of this Act.
56. **Repeal and saving:** (1) Public service commission (Procedure) Act, 2048 is, hereby, repealed.

(2) All actions taken and proceeding initiated pursuant to Public Service Commission (Procedure) Act, 2048 shall be deemed to have been taken or initiated pursuant to this Act.

NEPAL LAW COMMISSION