

Remuneration, Conditions of Service and Facilities of the Attorney General, 2052 (1996)

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Amendments:

1. Remuneration, Conditions of Service and Facilities of the Attorney General (First Amendment) Act, 2054 (1997)
2054.9.7 (22 Dec. 1997)
2. Some Nepal Laws (Amendment) Act, 2063 (2006)
2063.6.28 (14 Oct. 2006)
3. Amending Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006)
2063.7.17 (2 Nov. 2006)
- 4.¹ Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010)
2066.10.7 (21 Jan. 2010)

Act Number 13 of the Year 2052 (1996)

An Act made to arrange Remuneration, Conditions of Service and Facilities of the Attorney General

Preamble: Whereas, it is expedient to make legal provisions on the remuneration, conditions of service and facilities of the Attorney General;

¹ This Act came into force on 15 *Jeshta* 2065 (2008), *Prasasti* and the word "kingdom" has been deleted.

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

Chapter-1

Preliminary

1. **Short title and commencement:** (1) This Act may be called as the “Remuneration, Conditions of Service and Facilities of the Attorney General Act, 2052 (1996).”

(2) This Act shall come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act, “Attorney General” means the Attorney General of Nepal, appointed pursuant to Clause (1) of Article 134 of the Interim Constitution of Nepal, 2063 (2007)².

Chapter-2

Remuneration and Facilities

3. **Remuneration:** (1) The Attorney General shall be entitled to the remuneration as set forth in Schedule-1.

(2) If the resignation tendered by the Attorney General from office is accepted or if he or she dies or is retired from office for any other reason, he or she shall be entitled to one month’s remuneration as an additional facility, in addition to the remuneration to which he or she is entitled until the day of which he or she is incumbent in office.

(3) The remuneration and additional remuneration receivable by the Attorney General pursuant to Sub-section (2) shall be given to him or her or his or her nominee, as the case may be. If the Attorney General dies and he

² Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

or she has not nominated any person or if the nominee is not alive, such remuneration shall be provided to his or her near heir.

4. **Housing facility:** (1) Government of Nepal shall make arrangement for a governmental building for the housing of the Attorney General. Where arrangement of such a building is not made or where the Attorney General has no appropriate building of his or her own in the *Kathmandu* Valley and a building has to be rented, he or she shall be entitled to half the amount of his or her monthly remuneration for the housing rent.

(2) The Attorney General who resides in his or her own building shall be entitled to the amount as set forth in Schedule-1, for repair and maintenance, and sanitation of the building.

(3) The Government of Nepal shall repair and maintain the governmental building, if any, arranged by the Government of Nepal for the Attorney General pursuant to Sub-section (1).

(4) The Attorney General shall be entitled to the facility receivable pursuant to this Section until Seven days after the date of his or her retirement.

5. **Electricity, water and telephone facilities:** (1) Government of Nepal shall bear the expenses incurred in installing one line telephone to the residence of the Attorney General and such deposit as incurred for such installation.

(2) The amount as referred to in Schedule-1 shall be provided to the Attorney General for the tariff of electricity, water supply and telephone.

6. **Transport and fuel facility:** (1) The Attorney General shall be entitled to one motor vehicle, along with a driver, One Hundred Fifty liter petrol per month and Five liter mobile per quarter.

(2) The Attorney General who uses his or her personal motor vehicle shall be entitled to a sum that is equal to the basic pay scale of the light motor driver of the Government of Nepal, for the driver, and One Hundred Fifty liter petrol per month and Five liter mobile per quarter.

(3) The Central Service Department shall arrange for the repair and maintenance and grease of the motor vehicle provided pursuant to Sub-section (1).

(4) It is not required to submit bills and vouchers of petrol and mobile of the motor vehicle used by the Attorney General.

(5) The Attorney General shall be entitled to the facility receivable pursuant to this Section until Seven days after the date of his or her retirement from office.

Chapter-3

Daily and Travelling Allowance

7. **Daily and travelling allowance:** (1) The Attorney General shall be entitled to the following daily allowance and travelling allowance on tour within Nepal in the course of business of his or her office:

(a) **Daily allowance:** The amount as set forth in Schedule-1.

(b) **Travelling allowance:**

(1) In travelling on foot, the amount as set forth in Schedule-1.

(2) In travelling by bus, fare chargeable for One person.

- (3) In travelling by rail, first class ticket expenses chargeable for One person.
- (4) In travelling by air, ticket expenses chargeable for One person.
- (5) In travelling by other motor vehicle, fare chargeable for One person.

(2) In travelling outside Nepal in order to participate in a ceremony, event, conference etc. on behalf of the Government of Nepal or in the course of business of his or her office, the Attorney General shall be entitled to the following daily allowance and travelling allowance:

(a) Daily allowance: The amount as set forth in Schedule-2.

(b) Travelling allowance:

- (1) In travelling by motor vehicle, motor fare as per the bill, chargeable for One person.
- (2) In travelling by rail, first class ticket expenses chargeable for One person.
- (3) In travelling by air, business class ticket expenses chargeable for One person.
- (4) In travelling by sea, amount as per the bill, chargeable for One person.

(3) While making a formal visit by the Attorney General to any place outside Nepal as a guest of a foreign country, the Attorney General shall be entitled to the daily allowance at the rate of half the daily allowance receivable pursuant to Clause (a) of Sub-section (2).

8. **Other provisions relating to travelling:** (1) The Attorney General shall be entitled to half the daily allowance for the day on which he or she returns from a visit, and such an allowance shall be half the daily allowance receivable for the place where he or she stayed on the previous day of return.

(2) The Attorney General shall, for the payment of the travelling allowance, fill in the travelling bill and provide required evidences including distance evidence, logbook and receipts, within Thirty Five days after the date of return from a visit.

9. **Insurance expenses and airport tax:** In making travel by air in order take part in any ceremony, event, international conference, seminar etc. in the course of business of his or her office or on behalf of the Government of Nepal, the Attorney General shall be entitled to the insurance expenses of Three Hundred Thousand Rupees and to the amount chargeable for airport tax.

9A.³

10. **Cloth allowance:** (1) In going outside Nepal in order to take part in any ceremony, event, international conference etc. in the course of the duties of his or her office or on behalf of the Government of Nepal, the Attorney General shall be entitled to the cloth allowance in a sum as set forth in Schedule-1 once in Three years.

(2) If in going outside Nepal pursuant to Sub-section (1), the Attorney General obtains approval to be accompanied by his or her wife or husband,⁴ such a husband or wife⁵ shall be entitled to the cloth allowances

³ Repealed by Some Nepal Laws (Amendment Act), 2063 (2006)

⁴ Inserted by the Amending Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006).

⁵ Amended by the Amending Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006).

once in Three years in a sum equivalent to half of his or her remuneration of One month.

11. **Leader allowance:** In going outside Nepal as a leader of the delegation, the Attorney General shall be entitled to a leader allowance in a sum that is Twenty Five percent of the daily allowance receivable by him or her.

12. **Casual expenses:** (1) The Attorney General shall, in the course inspecting his or her sub-ordinate offices, be entitled to casual expenses of One Thousand Rupees for each time, up to two times in a year, without the requirement of submission of bills and vouches of expenses.

(2) The Attorney General shall, while making visit outside Nepal in the course of participating in a ceremony, event, international conference, seminar etc., be entitled to casual expenses in such amount as decided by Government of Nepal.

13. **Dashain expenses:** The Attorney General shall be entitled to the *dashain* expenses in each year as equivalent to One month's remuneration.

14.⁶ **Leave:** (1) The Attorney General may be entitled to the following leaves:

- (a) Casual leave and festival leave,
- (b) Home leave,
- (c) Sick leave,
- (d) Obsequies leave,
- (e) Extra-ordinary leave.

(2) The leaves as referred to in Clauses (a), (b), (c) and (d) of Sub-section (1) shall be with full remuneration and the leave as referred to in Clause (e) shall be with half remuneration.

⁶ Amended by the First Amendment.

(3) The Attorney General shall be entitled to a casual leave of Six days and a festival leave of Six days every year.

(4) The Attorney General shall be entitled to a home leave at the rate of One day for Eleven days of work. The home leave can be accumulated for a maximum of One Hundred Fifty days. In setting the period of work for the purposes of the home leave, the period of casual leave and the festival leave and that of public holiday shall also be added to the period of work.

(5) The Attorney General whose home leave is accumulated for more than One Hundred Twenty days may be entitled to receive payment of such amount in lump sum by the end of every financial year as may be set at the rate remuneration being drawn by him or her in lieu of the home leave for a maximum period of Thirty days out of that excess home leave accumulated by the last day of the month of *Chaitra* of that financial year.

(6) The Attorney General may be entitled to a sick leave with remuneration at the rate of Fifteen days each year. Such sick leave may be accumulated without any ceiling. If the Attorney General suffers from severe and serious disease and submits a certificate by a recognized doctor to that effect, he or she may be entitled to an additional sick leave with remuneration for up to Two months if his or her sick leave is not remaining, and after the use of such additional sick leave with remuneration, to a sick leave without remuneration for a period of additional Four months at a time and not exceeding a maximum of Twelve months during the entire period of service.

Provided that, the home leave shall be deducted at the rate of One day for every Two days of additional sick leave while so taking the additional sick leave with remuneration.

(7) If the Attorney General has to observe obsequies himself or herself, he or she shall be entitled to an obsequies leave for a period not exceeding 15 days according to his or her traditional rites and rituals.

(8) The Attorney General may be entitled to an extra-ordinary leave as follows:

- (a) Not exceeding One month at a time, and
- (b) Not exceeding Three months in total during the period of service.

(9) If a person who is holding a constitutional position or an office in the service of the Government of Nepal is appointed to the office of the Attorney General, he or she shall not be deprived of the enjoyment of right to his or her accumulated leave while he or she was in that position or service.

(10) If the Attorney General is retired from his or her office, he or she shall be entitled to payment in lump sum of the amount to be set by the remuneration being drawn by him or her from the office in which he or she has lien for the home leave and the sick leave accumulated pursuant to Sub-sections (4) and (6).

15. Leave sanction authority: (1) The Attorney General may himself or herself sanction and obtain the festival leave and the sick leave, out of the leaves set forth in Section 14, and shall have to have the other leaves sanctioned by the Prime Minister⁷

(2) The Attorney General shall give information of the leave obtained by him pursuant to Sub-section (1) to the Cabinet Secretariat.

⁷ Deleted by Some Nepal Acts (Amendment) Act, 2063 (2006).

Chapter-4

Treatment Expenses, Pension and Gratuity

16. **Treatment expenses:** (1) The Attorney General shall be entitled to the medical expenses in the following amount incurred in his or her treatment upon falling ill.

- (a) Expenses according to the bills of a hospital of expenses incurred in admitting to the hospital and doing treatment there, and expenses of medicines purchased according to the prescription of the doctor of the hospital.

Provided that, the prescription of doctor has to set down the diagnosis of disease.

- (b) Expenses as per the bill of expenses incurred in doing surgical operations except plastic surgery.

Provided that, no expenses for surgical operations done at a private nursing home shall be provided.

- (c) Expenses as per the bill of expenses in an amount not exceeding that as specified by the Government of Nepal for the equipment including spectacles, teeth, earphone etc.

(2) Notwithstanding anything contained in Sub-section (1), and no treatment expenses of more than Twelve months' remuneration receivable by the Attorney General throughout the whole period of service shall be provided.

(2a)⁸ If the husband or wife, mother, father, son or daughter of the Attorney General, living in an undivided family, falls ill, the Attorney General shall be entitled to Ninety percent amount of the treatment expenses as per the bill up to half the amount of treatment expenses receivable pursuant to Sub-section (2) on the condition that such amount shall be deducted from the maximum amount of treatment expenses receivable pursuant to that Sub-section. In making a request for such treatment expenses, a doctor's prescription mentioning the diagnosis of disease has also to be submitted.

Provided that, the treatment expenses receivable pursuant to this Sub-section shall, at one time, not exceed One month's remuneration of the Attorney General.

(2b)⁹ If the husband or wife, mother, father, son or daughter of the Attorney General, living in an undivided family, falls ill and has to undergo treatment in a foreign country or to undergo operation or treatment upon being admitted to a hospital within Nepal, the Attorney General shall be entitled to Ninety percent amount of the treatment expenses as per the bill of expenses and treatment expenses incurred as per the treatment prescription of hospital, out of the amount receivable by the Attorney General pursuant to Sub-section (2).

(2c)¹⁰ Notwithstanding anything contained in Sub-sections (2a) and (2b), if the husband or wife, mother or father of the Attorney General, living in an undivided family, is an incumbent employee in any constitutional position, governmental service or in the service of a corporation under governmental ownership and control, he or she shall not be entitled to such treatment expenses.

⁸ Inserted by the First Amendment.

⁹ Inserted by the First Amendment.

¹⁰ Inserted by the First Amendment.

(2d)¹¹ If the Attorney General requesting for the treatment expenses pursuant to this Section so falls ill as not to be able to attend the Office of Attorney General, he or she has to take the sick leave so long as the sick leave is balance. He or she may request for another leave only when the sick leave is not balance.

(2e)¹² The details of the treatment expenses received by the Attorney General pursuant to this Section shall be maintained in the records of leave and personal records of the Attorney General.

(3) If the board of doctors appointed by the Government of Nepal recommends that the treatment of Attorney General cannot be done within Nepal and he or she intends to have treatment abroad, Government of Nepal may provide additional financial assistance in such a sum as it considers appropriate, and this assistance shall be in addition to the treatment expenses to which he or she is entitled pursuant to Sub-section (1).

(4) If, at the time of detachment from service, the treatment expense is remaining, with or without taking some or none of the treatment expenses receivable by the Attorney General during the total period of service pursuant to Sub-section (2), the Attorney General shall be entitled to a lump sum amount to be set by Two-Thirds of that remaining amount of treatment expenses after his or her retirement.

Provided that, the Attorney General who retires from service with entitlement to pension shall be entitled to receive in lump sum the whole of such remaining amount.

(5) Notwithstanding anything contained in Sub-section (4), in providing the treatment expenses to the Attorney General who is detached from service without serving in the office of Attorney General, only the

¹¹ Inserted by the First Amendment.

¹² Inserted by the First Amendment.

amount to be set on pro rata by treating the total amount of treatment expenses receivable pursuant to this Act as the amount receivable for having served for Five years.

(6) If the Attorney General dies prior to receiving the treatment expenses receivable pursuant to this Section, the person held entitled to the family pension or gratuity pursuant to Section 18 shall be entitled to such treatment expenses.

17. **Pension and gratuity:** (1) If a person who is holding a constitutional position or in the service of Government of Nepal or who is a retired person from such service is appointed to the office of Attorney General and retires from the service and he or she has completed the service period of Twenty years or more upon computing the period of his or her such previous service and the period of service in the office of Attorney General, he or she shall, upon his or her retirement, be entitled to choose any one out of the Two-Thirds amount of his or her monthly remuneration or the monthly pension to be set as follows:

Total year of service X monthly remuneration

50

Explanation: For the purposes of this Clause, “period of service in the government service’ shall mean the period of service upon being appointed by the Government of Nepal to any pensionable post.

(1a)¹³ Notwithstanding anything contained in Sub-section (1), if a person who has already completed Ten years of service period in the office of Attorney General retires from the service, he or she shall be entitled to the monthly pension of Two-Third of his or her monthly remuneration.

¹³ Inserted by the First Amendment.

(2) The Attorney General who retires before completing the service period entitling to pension as referred to in Sub-section (1) or (1a)¹⁴ shall be entitled to a lump sum gratuity in an amount equal to the figure to be set by multiplying the total years of his or her service with the figure of One and half month's remuneration being drawn by him or her at the time of retirement.

.....¹⁵

(3) If a person who has already got gratuity for having served in a constitutional position or in the service of the Government of Nepal is appointed to the office of Attorney General and returns the whole amount of gratuity received by him or her previously within one year of such appointment, his or her previous service period for the purposes of pension.¹⁶

(4) The amount of gratuity to be received by the Attorney General pursuant to this Section shall not be more than his or her remuneration of Twelve months.

(5) When the remuneration of the Attorney General is increased, the figure of pension being drawn by the Attorney General who is receiving pension shall be also be increased by Two-Thirds of the percent of increase in the figure of remuneration.¹⁷

(6) If a person who is receiving pension for having served in a constitutional position or in the service of the Government of Nepal is appointed to the office of Attorney General and is also eligible to pension pursuant to this Act, he or she may choose any one out of the pension being

¹⁴ Inserted by the First Amendment.

¹⁵ Proviso has been deleted by the First Amendment.

¹⁶ Amended by the First Amendment.

¹⁷ Amended by the First Amendment.

received by him or her previously and the pension receivable pursuant to this Act.

(7)¹⁸ In computing the service period for the purposes of Sub-section (1a), it shall be computed by adding half the total period of service in the constitutional position or in the post of the governmental service or in both.

18. Family pension and gratuity: (1) The pension as referred to in Section 17 shall, in the following circumstance, shall be provided to such person out of his or her family members as has been nominated by the Attorney General and to the nearest heir out of his or her family members if the person so nominated has died or failing such nomination:

- (a) If the Attorney General dies while in service, upto Seven years after the death,
- (b) If he or she dies prior to expiration of Seven years after starting to receive pension pursuant to Section 17, upto the period that remains to complete Seven years.

(2) If the Attorney General dies while in service and is entitled to gratuity but not to pension pursuant to Section 17, the person as referred to in Sub-section (1), out of his or her family members, shall be entitled to the amount of that gratuity.

(3) After the expiration of the period entitling to the family pension as referred to in Sub-section (1), the widow or widower of the deceased Attorney General shall be entitled to half the amount of such pension during his or her life.

¹⁸ Amended by the First Amendment.

Provided that, if such a person is receiving pension for the governmental service performed by him or her, he or she shall not be entitled to double pension.

(4)¹⁹ When the remuneration of the Attorney General is increased, the figure of family pension being drawn by the person who is receiving the family pension pursuant to Sub-section (1) or (3) shall also be increased by Two-Thirds of the percent of increase in the figure of remuneration.

Chapter-5

Miscellaneous

19. Provident Fund: A provident fund deduction shall be made from the monthly remuneration of the Attorney General at the rate of Ten percent, and cent percent shall be added by Government of Nepal to that deducted amount and deposited in the provident fund.

19A.²⁰ Entitlement to daily and travelling allowance: The Attorney General who has already served in the office of Attorney General for Three years shall, in going to and coming from his or her home on the home leave earned by him or her, be entitled to the daily and travelling allowance once a year at the rate of half the daily and travelling allowance receivable by him or her pursuant to this Act.

Provided that, the family member shall not be entitled to the daily and travelling allowance.

19B.²¹ Time required for journey: The Attorney General shall, while going to his or her home on home leave and coming back from home to attend his or her office shall be entitled to the time for journey at the rate of One day for

¹⁹ Inserted by the First Amendment.

²⁰ Inserted by the First Amendment.

²¹ Inserted by the First Amendment.

Eight *Kosh* in the case of journey on foot and for such days as actually required for journey by motor vehicle, rail and air for one time a year.

Provided that, he or she shall not be entitled to the time for journey to go to or stay elsewhere than home on the home leave. In giving the same for journey, it shall be given for the shortest route by the fastest means, and no more time for journey than that actually taken in the journey to and from shall be given.

20. Increase in or addition to remuneration: Government of Nepal may, by altering the Schedules upon publishing a Notification in the Nepal Gazette, make increase in or addition to the remuneration and facilities to which the Attorney General is entitled pursuant to this Act.

21.²² Oath: Prior to assuming his/her office, the Attorney General shall take an oath of office and secrecy before the Chief justice in the format set forth in the Schedule 2A.

22. Repeal and Saving: (1) The Attorney General (Conditions of Service Rules, 2020 is hereby, repealed.

(2) The pension facility being drawn pursuant to the Attorney General (Conditions of Service) Rules, 2020 upon being appointed to the office of Attorney General prior to the commencement of the Constitution of the Kingdom of Nepal, 2047 (1990) shall be deemed to have been obtained under this Act.

(3) The remuneration and facilities received by the Attorney General prior to the commencement of this Act shall be deemed to have been obtained pursuant to this Act.

²² Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

Schedule-1

(Relating to Sections 3, 4, 5, 7 and 10)

Remuneration, facilities and allowance receivable by the Attorney

General

SN	Type of remuneration, facility and allowance	Type of remuneration, facility and allowance
1. ²³	Remuneration	Per month Rs. 16,000.00
2.	House repair and maintenance and sanitation facility	Per month Rs. 1,500.00
3.	Electricity, water and telephone facility	Per month Rs. 1,200.00
4.	Daily allowance	Per day Rs. 165.00
5.	Travelling allowance	Per Kosh Rs. 25.00
6. ²⁴	Cloth allowance	Rs. 7,000.00

²³ Alteration in serial numbers 1 and 6 was made vide a notice published in the Nepal Gazette of 2057.4.1 with effect from that date, substituting previous serial numbers 1 and 6.

²⁴ Alteration in serial numbers 1 and 6 was made vide a notice published in the Nepal Gazette of 2057.4.1 with effect from that date, substituting previous serial numbers 1 and 6.

Schedule-2²⁵

(Relating to Clause (a) of Sub-section (2) of Section 7)

Daily allowance receivable by the Auditor General while making visit abroad

SAARC countries	US Dollars 100
Other countries	US Dollars 125

²⁵ Alteration was made vide a notice published in the Nepal Gazette of 2057.4.1(.....) with effect from 2057.4.1(.....).

Schedule-2A.²⁶

(Relating to Section 21)

Oath

I.....being completely loyal to the country and people, do hereby solemnly affirm/swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2063 (2007) which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as the Attorney General , putting myself strictly within the limits of the prevailing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and I also do hereby solemnly pledge that I shall not disclose in any manner any matter coming to my knowledge in the course of discharging my official duty whether or not I remain in office, except while being obliged by the prevailing law.

Date:

Signature:

Schedule-3²⁷

²⁶ Inserted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

²⁷ Repealed by Some Nepal Acts (Amendment) Act, 2063 (2006).