

Remuneration, Conditions of Service and Facilities of the Justices of the Supreme Court Act, 2026 (1969)

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Justices of the Supreme Court (Fourth Amendment) (11 Dec. 1997)
Act, 2054 (1997)
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Equality Act, 2063 (2006) (2 Nov. 2006)
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of Service and Facilities of the Judges (Amendment) (24 Jan. 2008)
Act, 2064 (2008)
- 16.¹ Republic Strengthening and Some Nepal Laws 2066.10.7
Amendment Act, 2066 (2010) (21 Jan. 2010)

Act Number 13 of the Year 2026 (1969)

**An Act Relating to Remuneration, Conditions of Service and Facilities
of the Justices of the Supreme Court Act**

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

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 His Majesty King Mahendra Bir Bikram Shah Dev on the advice and with the consent of the *Rastriya Panchayat*.

1. **Short title and commencement:** (1) This Act may be called as the “Remuneration, Conditions of Service and Facilities of the Justices of the Supreme Court Act, 2026 (1969).”

(2) This Act shall come into force immediately.

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

(a)² “Constitution” means the Interim Constitution of Nepal, 2063 (2007).

(b)³ “Supreme Court” means the Supreme Court as referred to in Article 102 of the Constitution.

(c) “Chief Justice” means the Chief Justice of Nepal and this term includes the Acting Chief Justice.

(d)⁴ “Justice” means a permanent Justice of the Supreme Court and this term includes a temporary Justice of the Supreme Court.

2A.⁵ **Computation of age:** In computing the age of the Chief Justice or a Justice on the following ground for the purposes of Sub-section (5) of Article 103 of the Constitution, the age shall be computed on the basis of the age by which he or she gets retired earlier:

² Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

³ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

⁴ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

⁵ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

- (a) The age to be set on the basis of the day or year of birth mentioned in the educational institute certificate submitted by him or her,
- (b) The age to be set on the basis of the day or year of birth mentioned in his or her citizenship certificate,
- (c) The age to be set on the basis of the day or year of birth mentioned in his or her sheet roll.

3. **Remuneration of Justices:**⁶ (1) The Chief Justice shall be entitled to a monthly remuneration of Thirty One Thousand Eight Hundred Rupees and a Justice shall be entitled to a monthly remuneration of Twenty Five Thousand Eight Hundred Rupees.

(2)⁷

(3)⁸ If the Chief Justice or a Justice resigns or dies or his or her term of office expires, he or she shall be entitled to One month's salary as an additional facility.

3A.⁹

3B.¹⁰ **Provident Fund:** A provident fund deduction shall be made from the monthly remuneration of the Chief Justice and a Justice at the rate of Ten percent, cent percent shall be added by Government of Nepal to that deducted amount and deposited in the provident fund.

⁶ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

⁷ Deleted by the Some Nepal Acts (Amendment) Act, 2048 (1992).

⁸ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁹ Repealed by the First Amendment.

¹⁰ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

4.¹¹ Accommodation: (1) Government of Nepal shall make arrangement for a governmental building for the housing of the Chief Justice and a Justice. Where arrangement of such a building is not made, the Chief Justice and a Justice who do not have an appropriate building of his or her own in the *Kathmandu* Valley shall be entitled to a ¹²monthly housing facility of Fifteen Thousand Nine Hundred Rupees and Twelve Thousand Nine Hundred Rupees, respectively.

(2) Where amount is provided to the Chief Justice for the housing facility, he or she shall be entitled to a monthly sum of Four Thousand Rupees at the rate of Two Thousand Rupees each for the arrangement of the private secretariat building and the guard building.

(3) The Government of Nepal shall repair and maintain the building arranged by the Government of Nepal pursuant to Sub-section (1).

(4) The Chief Justice and a Justice who reside in their own building shall be entitled to a ¹³monthly sum of Three Thousand Two Hundred Rupees, and Two Thousand Two Hundred Rupees, respectively, for repair and maintenance of building

(5) The Chief Justice and a Justice who reside in a rented building shall be entitled to a sum that is half of monthly remuneration being drawn by them, once a year, for repair and maintenance of building.

(6) The Chief Justice or a Justice shall be entitled to the facility receivable pursuant to this Section until Seven days after the date of completion of his or her term of office.

¹¹ Amended by the Second Amendment.

¹² Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

¹³ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

4A.¹⁴ Electricity, water and telephone facilities: (1) Government of Nepal shall bear the tariff of electricity, water supply and telephone installed to the residence of the Chief Justice.

(2) The Government of Nepal shall bear such deposit and other expenses as may be incurred for the installation of One telephone line with the residence of the Chief Justice for his or her use on the condition that the ownership of such telephone line remains with the Government of Nepal, and a lump sum of monthly ¹⁵Two Thousand Four Hundred Rupees for the electricity, water supply and telephone facility.

(3) A Justice who resides in his or her own building in *Kathmandu* shall also be entitled to the facility as referred to in Sub-section (2).

4B.¹⁶ Transport and fuel facility: (1) The Chief Justice shall be entitled to one motor vehicle, Two Hundred Fifty liter petrol per month and Ten liter mobile per quarter.

(2) A Justice shall be entitled to One motor vehicle, along with a driver, ¹⁷One Hundred Fifty liter fuel per month and Five liter mobile per quarter.

(3) A Justice 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 Government of Nepal, for the driver, and ¹⁸One Hundred Fifty liter fuel per month and Five liter mobile per quarter.

¹⁴ Amended by the Second Amendment.

¹⁵ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

¹⁶ Amended by the Second Amendment.

¹⁷ Amended by the Third Amendment.

¹⁸ Amended by the Third Amendment.

(4) A Justice who does not avail the facilities as referred to in Sub-sections (2) and (3) shall be entitled to a monthly sum of Four Thousand Rupees for the motor vehicle allowance.

(5) ¹⁹The Supreme Court shall arrange for the repair and maintenance, and grease of the motor vehicles provided pursuant to Sub-sections (1) and (2).

(6) It is not required to submit bills and vouchers of motor vehicle fuel and mobile.

(7) The Chief Justice or a Justice shall be entitled to the facility receivable pursuant to this Section until Seven days after the date of completion of his or her term of office.

5.²⁰ **Daily allowance and travelling allowance:** (1) The Chief Justice and a Justice 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)²¹ Daily allowance:

(1)	Chief Justice	Rs. 750.00
(2)	Justice	Rs. 500.00

(b) Travelling allowance:

(1)²²

(2) In travelling by motor vehicle, petrol expenses as per the bill shall be provided to the Chief

¹⁹ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

²⁰ Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

²¹ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

²² Deleted by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

Justice and bus fare chargeable for a person shall be provided to a Justice.

- (3) In travelling by rail, air conditioned ticket expenses, where air conditioned facility is available, and first class ticket expenses chargeable for One person, where such facility is not available, as well as reservation expenses, if any, made shall be provided to the Chief Justice and the first class ticket expenses chargeable for a person shall be provided to a Justice.
- (4) In travelling by air, ticket expenses chargeable for One person.
- (5) In travelling by other motor vehicle, ticket expenses and fare chargeable in that connection.

(1a)²³ Where it is required to make a night halt in the course of travelling pursuant to Sub-section (1), the Chief Justice shall be entitled to the reimbursement of amount as per the bill for each night and Justice shall be entitled to reimbursement of amount as per the bill, not in excess of One Thousand Two Hundred Rupees, for a maximum of Seven days at a time.

(1b)²⁴ If, a Justice is entitled to an addition travelling allowance pursuant to the laws in force for making tour in any district of a remote area, the Justice shall also be entitled to that allowance.

²³ Inserted by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

²⁴ Inserted by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

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

²⁵(a) **Daily and travelling allowance:** The Chief Justice and a Justice shall be entitled to a daily and travelling allowance of 200 and 175 US Dollars, respectively.

Provided that, in making a night haltage in any place other than *Chennai, Haidarabad, Bangalore, Mumbai, Delhi* and *Kolkata* of India and *Dhaka* and *Chitgown* of Bangladesh, they shall be entitled to only Fifty percent of that rate

(b) **Travelling allowance:** (1) In making travel by motor vehicle, the motor vehicle fare according to bills.

(2) In making travel by rail, expenses of air conditioned ticket where the facility of air conditioning is available, and that of first class where such facility is not available, chargeable for one person.

(3) In making travel by air, the ticket expenses of first class of schedule flight chargeable for one person in the case of the Chief Justice, and ticket expenses of economy class chargeable for one person in the case of a Justice.

(4) In making travel by sea, expenses according to bill chargeable for One person.

²⁵ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

(3) While making a formal visit by the Chief Justice and a Justice to any place outside Nepal as a guest of a foreign country, the Chief Justice and the Justice shall be entitled to the daily allowance at the rate of half the daily allowance receivable pursuant to Clause (a) of Sub-section (1).

5A.²⁶ Insurance expenses: In making travel by air, the Chief Justice and a Justice shall be entitled to the insurance expenses of Three Hundred Thousand Rupees.

5B.²⁷

5C.²⁸ Cloth allowance: (1) In going outside Nepal in the course of the duties of his or her office or to take part in any ceremony, event, conference etc. on behalf of Government of Nepal, the Chief Justice and a Justice shall be entitled to the cloth allowance of Ten Thousand Rupees once in Two years²⁹.

(2)³⁰ If in going abroad pursuant to Sub-section (1), the Chief Justice and a Justice obtains approval to be accompanied by his or her wife or husband, such a husband or wife shall be entitled to the cloth allowances once in Two years in a sum equivalent to that received by the Chief Justice and the Justice as mentioned in the said Sub-section.

5D.³¹ Leader allowance: In going aboard as a leader, the Chief Justice and a Justice shall be entitled to a leader allowance in a sum that is Fifty percent of the daily allowance receivable by them.

²⁶ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

²⁷ Deleted by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

²⁸ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

²⁹ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

³⁰ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

³¹ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

5E.³² **Provision of personal secretariat and employees:** (1)³³ The Chief Justice may, for the whole of his or her tenure, appoint the following employees for his or her personal secretariat:

- (a) Personal secretary (Gazetted second class) -1
- (b) Personal secretary (Gazetted third class) -1
- (c) Computer operator (Non-gazetted first) Na. Su -1
- (d) Driver (Non-gazetted second) -2
- (e) Peon -2

(2)³⁴ The Chief Justice shall be provided with such furniture and the following goods as required for his or her personal secretariat for the whole of his or her tenure:

- (a) A computer with a laser printer -One set
- (b) Bicycle -One set

(3) Three Thousand Rupees³⁵ shall be provided each month to the Chief Justice for stationeries of the personal secretariat and guest reception.

(4) The Chief Justice shall return the goods obtained pursuant to Sub-section (2) upon the expiration of his or her tenure.

5F.³⁶ **Provision of body guard and guard:** Government of Nepal shall provide One *Padik* for the body guard of the Chief Justice and One *Billadar* and 10 Constables for guard.

³² Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

³³ Amended by the Third Amendment.

³⁴ Amended by the Third Amendment.

³⁵ Amended by the Second Amendment.

³⁶ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

5G.³⁷ Casual expenses: (1) The Chief Justice or a Justice shall, while making visit within Nepal in the course of performing duties of his or her office, be entitled to casual expenses of One Thousand Rupees for each time, upto two times in a year, without the requirement of submission of bills and vouches of expenses.

(2) The Chief Justice or a Justice shall, while making visit outside Nepal in the course of participating in an international conference, seminar etc., be entitled to casual expenses in such amount as decided by Government of Nepal, with the requirement of submission of bills and vouches of expenses.

5H.³⁸ Entitlement to recruit assistant: A Justice shall be entitled to recruit One classless peon, equivalent to first level, as his or her assistant during his or her term of office, and Government of Nepal shall bear the remuneration of the assistant.

6.³⁹ Pension and gratuity: (1) A person who retires from the office after being appointed to the office of Chief Justice or a Justice shall be entitled to the following pension.....⁴⁰

(a)⁴¹ The Chief Justice or a Justice who serves for Five years or more than Five years but less than Seven years in the office of Chief Justice or a Justice or in both offices shall be entitled to a monthly pension of Fifty percent amount of his or her monthly remuneration, and the Chief Justice or a Justice who

³⁷ Amended by the Third Amendment.

³⁸ Inserted by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

³⁹ Amended by the First Amendment.

⁴⁰ Deleted by the Second Amendment.

⁴¹ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

serves for more than Seven years shall be entitled to a monthly pension of Sixty Six percent amount of his or her monthly remuneration.

- (b)⁴² The Chief Justice or a Justice who serves for more than Seven years in the office of Chief Justice or Justice or in both offices shall be entitled to an amount to be set by Two percent of the monthly remuneration drawn by him or her at the time of his or her retirement for each of such excess service, in addition to the monthly pension to be set pursuant to Clause (a).

Provided that, the amount of monthly pension to be received by the Chief Justice or a Justice shall not be more than Eighty percent of the monthly remuneration being drawn by him or her at the time of retirement.

- (2)⁴³ If a person who is serving in or has already served in the office of a constitutional post or the Chief Judge or Judge of a Court of Appeal or who has already served in the office of the Chief Judge, Judge or additional Judge of a Regional Court or who is serving in or has already served in the service of Government of Nepal is appointed to the office of Justice of the Supreme Court and retires from the service and he or she has completed the service period of more than Twenty years upon computing the period of his or her such previous service and the period of service in the office of the Chief Justice or a Justice of the Supreme Court or in both offices, he or she shall be entitled to choose any one out of the monthly pension as referred to

⁴² Amended by the Second Amendment.

⁴³ Amended by the Second Amendment.

in Clause (a) of Sub-section (1) and the monthly pension to be set as follows:

Total period of service X monthly remuneration

50

(2a)⁴⁴ The Chief Justice or a Justice who retires before completing the service period of Five years⁴⁵ in the office of Chief Justice or Justice or in both offices 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.

Provided that, a person who is obtaining pension shall not be entitled to gratuity for having served in the office of the Chief Justice or a Justice.

(3)⁴⁶ If a person who has already got gratuity is appointed to the office of Chief Justice or a Justice, his or her previous service period shall be added pursuant to Sub-section (9) only when he or she returns the whole amount of gratuity received by him or her previously, not later than One month of such appointment.

(4)⁴⁷ The amount of gratuity to be received by the Chief Justice or a Justice pursuant to this Section shall not be more than his or her remuneration of Twelve months.

(5)⁴⁸

⁴⁴ Inserted by the Second Amendment.

⁴⁵ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008)

⁴⁶ Amended by the Second Amendment.

⁴⁷ Amended by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁴⁸ Deleted by the Second Amendment.

(6)⁴⁹ If a person receiving pension is appointed to the office of Chief Justice or a Justice and is also eligible to pension pursuant to this Act, he or she may choose any one out of the pension being received by him or her previously and the pension receivable pursuant to this Act.

(7)⁵⁰ Notwithstanding anything contained in the foregoing Sub-sections, the Chief Justice or a Justice who is removed from office for the reason of failure to perform duties shall not be eligible to receive pension or gratuity pursuant to this Act.

Provided that, nothing contained in this Sub-section shall not be deemed to be prejudicial to the facilities of the Chief Justice or a Justice who is in service at the time of commencement of this Sub-section.

(8)⁵¹ When the remuneration of the Chief Justice or a Justice is increased, the figure of pension being drawn by the Chief Justice or a Justice who is receiving pension shall be also be increased by Sixty-six percent of the percent of increase in the figure of remuneration.

Provided that, if, in so increasing the figure of pension, the amount is less than half the amount of remuneration receivable by the Chief Justice or a Justice, pension shall be so increased as to be half the amount.

(8a)⁵² Notwithstanding anything contained elsewhere in this Act, a temporary Justice of the Supreme Court shall not be entitled to pension and gratuity pursuant to this Section.

⁴⁹ Deleted by the Second Amendment.

⁵⁰ Inserted by the Amending Some Nepal Acts Relating to the Authorities of the Constitutional Organs Act, 2045 (1988).

⁵¹ Inserted by the Amending Some Nepal Acts Relating to the Authorities of the Constitutional Organs Act, 2045 (1988).

⁵² Inserted by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

(9)⁵³ For the purposes of computing the period of pension or gratuity pursuant to Sub-section (1) or Sub-section (2a), such period shall be counted by adding the whole period of service in the office of a temporary Justice of the Supreme Court or of additional Justice of the Supreme Court previously or of the office of Chief Judge, Judge or additional Judge of the Regional Court and the whole period of service in the office of the Chief Judge, Judge or additional Judge of Court of Appeal, and half the total period of service in the office of a constitutional post or in the service of the Government of Nepal to the period of service in the office of the Chief Justice or a Justice or in both offices.

7.⁵⁴ **Family pension and gratuity:** (1) The pension as referred to in Section 6 shall, in the following circumstance and for upto the following period, shall be provided to such person out of his or her family members as has been nominated by the Chief Justice or a Justice 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 Chief Justice or Justice dies while in service, up to 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 6, up to the period that remains to complete Seven years.

(2) If the Chief Justice or a Justice dies while in service and is entitled to gratuity but not to pension pursuant to Section 6, 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.

⁵³ Inserted by the Second Amendment.

⁵⁴ Amended by the First Amendment.

(3)⁵⁵ 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 Chief Justice or Justice shall be entitled to half the amount of such pension during his or her life.

Provided that, a person who is receiving pension shall not be entitled to double pension.

7A.⁵⁶ Disability allowance: (1) If the Chief Justice or a Justice is injured seriously or wounded in an accident in the course of performing his or her duties and has become incompetent to perform the functions of his or her office, such a Chief Justice or Justice shall be entitled to the disability allowance as referred to in Sub-section (5), in addition to the pension set forth in Sub-section (2) during his or her life.

(2) If the Chief Justice or a Justice who has become incompetent pursuant to Sub-section (1) has completed the period of service entitling to pension pursuant to Section 6, he or she shall be entitled to pension accordingly, and if such Chief Justice or Justice has not completed such period of service, he or she shall be entitled to such remaining amount of pension as set by deducting the amount of pension on pro rata for the period that remains to complete that period. Provided that in so making deduction, deduction shall not be made in excess of one part of the three parts of the minimum pension to which he or she may be entitled if the pensionable period of service is completed by him or her.

(3) The Chief Justice or a Justice who has become incompetent pursuant to Sub-section (1) may be provide with a lump sum of Ten Thousand Rupees as a financial assistance taking into account of the circumstance.

⁵⁵ Amended by the Second Amendment.

⁵⁶ Inserted by the Second Amendment.

(4) Such Chief Justice or Justice shall be entitled to the cent percent of the medical expenses incurred in the treatment of wound or injury sustained pursuant to Sub-section (1).

(5) The amount of the monthly disability allowance, in addition to the pension, receivable for disability pursuant to Sub-section (2) shall be equal to Twenty percent of the remuneration being drawn by him or her.

Explanation: If the Chief Justice or a Justice who has started getting the disability allowance becomes competent to assume his or her functions, he or she shall not be entitled to the disability allowance as referred to in this Section.

(6) If the Chief Justice or a Justice who is getting the disability allowance dies within Seven years after the date when he or she has started getting it, the amount of disability allowance receivable by him or her for the period that remains to complete that Seven years shall be given as gratuity in lump sum to the person specified in Sub-section (1) of Section 7.

7B.⁵⁷ Facility for grievous injury: (1) If the Chief Justice or a Justice sustains injury in the course of performing duties of his or her office and such injury prevents his or her capacity building despite that he or she has to retire from the service, a financial assistance in an amount not exceeding Ten Thousand Rupees may, in consideration of the condition of injury sustained by such Chief Justice or Justice, be given in lump sum to him or her.

(2) The Chief Justice or a Justice shall obtain such additional sick leave with full pay as not to be deducted from any accumulated leave for such period as required for the treatment of the injury as referred to in Sub-section (1).

⁵⁷ Inserted by the Second Amendment.

(3) Such Chief Justice or Justice shall be entitled to the cent percent of the treatment expenses incurred in having treatment pursuant to Sub-section (2). Such expenses incurred in treatment shall not be deducted from the treatment expenses to which he or she may be entitled pursuant to Section 8A.

(4) If the Chief Justice or a Justice sustains grievous injury because of being wounded owing to his or her own serious recklessness knowingly, he or she shall not be entitled to the facility as referred to in this Act.

7C.⁵⁸ Extra-ordinary family pension and gratuity: (1) If the Chief Justice or a Justice dies immediately in an accident in the course of performance of the duties of his or her office or dies subsequently as a result thereof prior to recovery, the widow wife or widower husband of such Chief Justice or Justice shall be provided with a separate life-long monthly family allowance as follows and also the following occasional gratuity in addition thereto:

	Monthly rate of family allowance	Occasional gratuity
(a) Chief Justice	Four Hundred Ten Thousand Fifty Rupees	
(b) Justice	Three Hundred Eighty Thousand Fifty Rupees	Seven Hundred Fifty Rupees

(2) The widow or widower of the Chief Justice or a Justice shall be recognized only on the following conditions:

⁵⁸ Inserted by the Second Amendment.

- (a) Marital relationship should have already been maintained prior to the death of the Chief Justice or Justice.
- (b) He or she should be living jointly with the Chief Justice or Justice at the time of his or her death.

(3) The occasional gratuity as prescribed in Sub-section (1) may be given proportionately in lump sum to the offspring⁵⁹ born from the widow wife in cases where there is no widow or she had separated from him before the death of husband or the widow wife has remarried.

Provided that, if the offspring⁶⁰ is below Sixteen years of age, Government of Nepal may also give an additional family allowance at such rate as deemed appropriate on *pro rata*, not exceeding Two-thirds of the family allowance receivable by the widow for their subsistence for such a person as the Government of Nepal may think appropriate.

(4) In cases where there is no widow, widower or offspring⁶¹ of the deceased Chief Justice or Justice, both the dependent mother and father of the Chief Justice or Justice or any one among them, whoever is there, shall be provided with such an amount as determined reasonable by the Government of Nepal but not exceeding two Thirds of the family allowance receivable by the widow as the family allowance for their subsistence, for such a period as deemed reasonable by the Government of Nepal.

(5)⁶²

(6) In cases where there is no widow, offspring,⁶³ mother or father of the deceased Chief Justice or Justice but there is any of dependent brothers

⁵⁹ Amended by the Amending Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006).
⁶⁰ Amended by the Amending Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006).
⁶¹ Amended by the Amending Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006).
⁶² Deleted by the Amending Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006).
⁶³ Amended by the Amending Some Nepal Acts to Maintain Gender Equality Act, 2063 (2006).

or unmarried sisters of the Chief Justice or Justice, they shall be provided with such an amount as determined reasonable by the Government of Nepal but not exceeding two Thirds of the family allowance receivable by the widow as the family allowance for their subsistence, for such a period as deemed reasonable by the Government of Nepal.

7D.⁶⁴ Education and offspring allowance: (1) In cases where the Chief Justice or a Justice dies in an accident whilst performing the duties of his or her office or becomes unable to work for life due to such reason, every child of the deceased or disabled Chief Justice or Justice shall be provided with yearly education subsistence at the rate of Nine Hundred Rupees, until such child reaches the age of 18 years.

(2) Every child (whose parents are both dead) of the Chief Justice or Justice who has died in the course of performing the duties of his or her office shall be provided with the offspring allowance at the rate of Seventy Five Rupees per month, in addition to the education allowance as referred to in Sub-section (1).

(3) The concerned offspring shall be entitled to the allowance pursuant to Sub-section (2) until he or she completes the age of 21 years or he or she joins the civil service whatever is the earlier.

Provided that, in the case of an offspring who gets married prior to the completion the age of Twenty One years, such offspring will no be provided after the date of his or her marriage.

Explanation: For purposes of this Section, the term "offspring" means the son or daughter of the deceased or disabled Chief Justice or Justice.

⁶⁴ Inserted by the Second Amendment.

(4) If the Chief Justice or a Justice dies or becomes disabled life-long in the course of performing the duties of his or her office, the Judicial Council shall make recommendation to the Government in relation to the allowance or gratuity receivable by him or her or his or her family or offspring.

8. **Leave:** (1) The Chief Justice or a Justice may be entitled to the following leaves:

- (a) Casual leave,
- (a1)⁶⁵ Festival leave,
- (b) Home leave,
- (c) Sick leave,
- (d) Obsequies leave, and
- (e) Extra-ordinary leave.

(2)⁶⁶ The Chief Justice or a Justice shall be entitled to a casual leave of Six days and a festival leave of Six days⁶⁷ with full pay every year.

(3) The Chief Justice or a Justice may be entitled to a home leave with full pay at the rate of One day to every Eleven days of the period of his or her service. The home leave can be accumulated at a maximum of One Hundred Fifty⁶⁸ days. Generally, another home leave shall not be sanctioned to the Chief Justice or a Justice without completion of Four months after the date of completion of the last home leave. In setting the period of service for the purpose of home leave, the days of casual leave

⁶⁵ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁶⁶ Amended by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁶⁷ Amended by the Second Amendment.

⁶⁸ Amended by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

and festival leave⁶⁹ and of public holidays shall also be added to the day of service.

(3a)⁷⁰ The Chief Justice or a Justice 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.

(4)⁷¹ The Chief Justice or a Justice may be entitled to a sick leave with remuneration at the rate of Fifteen days each year. Such sick leave not used shall continue to be accumulated; and if a certificate is submitted that he or she has suffered from any severe and serious disease, 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.

(5) If the Chief Justice or a Justice has to observe obsequies himself or herself, the or she shall be entitled to an obsequies leave with full

⁶⁹ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁷⁰ Inserted by the Second Amendment.

⁷¹ Amended by the First Amendment..

remuneration for a period not exceeding 15 days according to his or her traditional rites and rituals.

(6) The Chief Justice or a Justice may be entitled to an extraordinary leave as follows, and such leave shall be with half remuneration:

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

(7) If a person who is holding a constitutional position, Judge of a Court of Appeal, Judge of a Regional Court⁷² or in the service of Government of Nepal is appointed to the office of the Chief Justice or a Justice shall not be deprived of the enjoyment of right to his or her accumulated leave while he or she was in that position or⁷³ service.

(8)⁷⁴ The Chief Justice shall obtain approval of the President⁷⁵ for all leaves other than the casual leave and the festival leave, and a Justice shall obtain approval of the Chief Justice for all leaves.

8A.⁷⁶ **Treatment expenses:** (1) The Chief Justice or a Justice shall be entitled to the medical expenses in the following amount⁷⁷ 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

⁷² Amended by the Second Amendment.

⁷³ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁷⁴ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

⁷⁵ Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

⁷⁶ Inserted by the First Amendment.

⁷⁷ Amended by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

purchased according to the prescription of the doctor of the hospital.

⁷⁸ Provided that, the prescription of doctor has to set down the diagnosis of disease.

- (b) Fees charged by and expenses of medicines purchased as per the prescription issued upon examination by any registered or recognized doctor, *Kaviraj, Vaidhya*, or health assistant for the treatment of disease where there is not hospital or where it is not necessary to be admitted to a hospital despite the existence of hospital or where he or she could not admit into the hospital or after discharge from the hospital.

⁷⁹ Provided, that the prescription of doctor has to set down the diagnosis of disease.

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

Provided that, generally expenses of surgical operation done at a nursing home in a place where a hospital is available shall not be provided.

- (d) Expenses as the bill of expenses in an amount not exceeding the ceiling as specified by the Government of Nepal from time to time by publishing a notice in the Nepal Gazette for the equipment including spectacles, teeth, earphone etc.

⁷⁸ Inserted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁷⁹ Inserted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

(e)⁸⁰ Where it is required to leave his or her house or rented house and undergo treatment in another district or a foreign country, the whole amount incurred in the transportation of the patient to and from such a place and the whole amount incurred in the transportation of one attendant is such attendant is required, and Seventy Five percent of the daily allowance to which he or she is entitled for the food expenses.

(2) Notwithstanding anything contained in Sub-section (1), no treatment expenses shall be provided for the expenses of less than Two Hundred Rupees at a time, and not treatment expenses of more than Twelve months⁸¹ remuneration receivable by the Chief Justice or a Justice through the whole period of service.

(3)⁸² If Government of Nepal may provide additional financial assistance in such a sum as it considers appropriate for the treatment of the chief Justice or a Justice within Nepal if the medical board constituted by the Government of Nepal recommends for such treatment and for treatment in a foreign country if such medical board recommends that his or her treatment cannot be done within Nepal and should be done in a foreign country, 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 the Chief Justice or a Justice dies prior to receiving the treatment expenses receivable ⁸³ pursuant to this Section, the

⁸⁰ Inserted by the Second Amendment.

⁸¹ Amended by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁸² Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

⁸³ Deleted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

person who is held entitled to pension pursuant to Section 7 shall be entitled to that treatment expenses.

(5)⁸⁴ If the Chief Justice or a Justice wishes to obtain the treatment expenses receivable pursuant to this Act as an advance, such advance may be provided on the condition of adjustment of amount subsequently, subject to Sub-section (2), and if, upon such subsequent adjustment, the amount to received as an advance exceeds the amount to which he or she is entitled, such excess amount shall be deducted by installments from the Six months' remuneration of the Chief Justice and Justice.

Provided that, if the Chief Justice or Justice dies prior to payment of the amount to be so deducted, the remaining amount to be deducted shall be remitted.

(6)⁸⁵ If the husband or wife, mother, father or minor son, daughter of the ⁸⁶..... Chief Justice or a Justice, who is living in an undivided family, the Chief Justice or a Justice shall be entitled to Ninety percent⁸⁷ 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 Chief Justice or a Justice.

⁸⁴ Inserted by Some Nepal Acts (Amendment Act), 2036 (1979).

⁸⁵ Inserted by Some Nepal Acts Amendment Act, 2036 (1979).

⁸⁶ Deleted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁸⁷ Inserted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

(6a)⁸⁸ If the husband or wife, mother, father or minor son, daughter of the Chief Justice or a Justice, who is 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 Chief Justice or a Justice 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 Chief Justice or a Justice pursuant to Sub-section (2).

(6b)⁸⁹ Notwithstanding anything contained in Sub-sections (6) and (6a), if the husband or wife, mother or father of the Chief Justice or a Justice, living in an undivided family, is an incumbent employee in any constitutional position or 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.

(7)⁹⁰ If, at the time of retirement of the Chief Justice or a Justice, the treatment expense is remaining, with or without taking some none of the treatment expenses receivable during the total period of service pursuant to Sub-section (2), the Chief Justice or Justice 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.

⁹¹ Provided that, the Chief Justice or a Justice who is retired within entitlement to pension shall be entitled to a lump sum payment of the whole of such remaining amount at the time of such retirement from service.

⁸⁸ Inserted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁸⁹ Inserted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁹⁰ Inserted by Some Nepal Acts Amendment Act, 2036 (1979).

⁹¹ Amended by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

(8)⁹² Notwithstanding anything contained in Sub-section (7), the Chief Justice or a Justice who has already taken treatment expenses for having served in any constitutional position, Judge of a Court of Appeal, Judge of a Regional Court⁹³ or in governmental service, shall be entitled to only the amount that remains after deducting the treatment expenses so taken previously.

(9)⁹⁴ If the Chief Justice or a Justice who requests for the treatment expenses pursuant to this Section so falls ill as not being able to attend the court, he or she has to request for the sick leave so long as the sick leave is balance. He or she may request for other leave only when the sick leave is not balance.

(10)⁹⁵ The details of the treatment expenses received by the Chief Justice or a Justice pursuant to this Section shall be maintained in the records of leave and personal records of the Chief Justice or Justice.

8B.⁹⁶ **Festival expenses:** (1) The Chief Justice and a Justice shall be entitled to the yearly festival expenses equivalent to One month's remuneration being drawn by him or her for the festival observed by them as per their religion, culture and tradition.

(2) The Chief Justice and Justice may take payment of the amount as referred to in Sub-section (1) on the occasion of a main festival to be observed as per their religion, culture and tradition, once in one financial year.

⁹² Inserted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁹³ Amended by the Second Amendment.

⁹⁴ Inserted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁹⁵ Inserted by the Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

⁹⁶ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

9. **Facilities of Acting Chief Justice:** ⁹⁷ The Acting Chief Justice shall be entitled to the remuneration and facilities of the Chief Justice.

Provided that, he or she shall not be entitled to the pension and family pension by the reason only that he or she has become the Acting Chief Justice and assumed office.

10. **Not to be prejudicial to facilities being enjoyed:** Nothing contained in this Act shall be deemed to be prejudicial to the facilities and privileges being enjoyed by the Chief Justice or a Justice holding office at the time of commencement of this Act.

- 10A. ⁹⁸ **Additional facilities:** (1) The Chief Justice or a Justice who has already served for Three years without taking any other leave than the casual leave and the festival leave⁹⁹ shall, while going to and coming from his or her home on the home leave earned by him or her, be entitled to half the daily and travelling allowance of the daily and travelling allowance to which he or she is entitled pursuant to this Act.

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

(2) In retiring from his or her office or resigning his or her office upon getting resignation approved, the Chief Justice or a Justice shall be entitled to a lump sum amount for a maximum of One Hundred and Twenty days¹⁰⁰ from his or her accumulated home leave and for his or her sick leave at the rate of remuneration/salary being drawn by him or her at that

⁹⁷ Deleted by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

⁹⁸ Inserted by the First Amendment.

⁹⁹ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

¹⁰⁰ Inserted by the Amending Some Nepal Acts Relating to Constitutional Organs and Other Bodies Act, 2040 (1983).

time. Even in the event of death while in service, his family member shall be entitled to such remuneration/salary, pension or gratuity.

10B.¹⁰¹ **Time for journey:** The Chief Justice or a Justice shall, while going to his or her home on home leave and coming back from home to attend the Supreme Court shall be entitled to the time for journey at the rate of One day for Eight *Kosh* in the case of journey on foot and for such days as 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 time 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 than shall be given.

10C.¹⁰²

10D.¹⁰³ **Power to make increase in or addition to remuneration:** Government of Nepal may, while making increase in or addition to remuneration, facilities and privileges of the other public servants from time to time, also make increase in or addition to the remuneration, facilities and privileges to which the Chief Justice or a Justice is entitled pursuant to this Act, by publishing a notice in the Nepal Gazette.

11. Repeal: Sections 7, 8, 9, 10 and 11 of the Supreme Court Act, 2019 (1963) are, hereby, repealed.

¹⁰¹ Inserted by the First Amendment.

¹⁰² Deleted by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).

¹⁰³ Amended by the Some Nepal Acts Relating to the Remuneration, Terms of Service and Facilities of the Judges (Amendment) Act, 2064 (2008).