

ACT/RULES

Administration of Justice Act, 2073 (2016)

19 August 2026

1. Executive Overview & Legislative Intent

The Administration of Justice Act, 2073 (2016) was enacted to modernize, unify, and streamline Nepal's judicial architecture following the adoption of the 2015 Constitution. From an advocacy perspective, the law establishes a structured, three-tiered court hierarchy (District Court, High Court, and Supreme Court) designed to deliver accessible, expeditious, impartial, and accountable justice. It officially repealed the former 2048 (1991) Acts governing the Supreme Court and Judicial Administration.

2. Court Hierarchy & Organizational Structure

- District Courts (Trial Courts):** Established in every district administrative headquarters. Each court is headed by a District Judge, with additional judges assigned dynamically based on case workload determined by the Judicial Council.
- High Courts (Provincial Appellate Courts):** Established in each provincial capital (with temporary benches permissible). Caps total judge strength across all High Courts at 160, with a minimum bench of 10 judges per High Court. Courts of Appeal under the old framework were dissolved and transitioned into High Courts.
- Supreme Court (Apex Court):** Serves as the highest court of record with ultimate authority over constitutional interpretation, extraordinary writ jurisdiction, final appellate review, and judicial supervision.

4. Essential Legal Mechanisms & Remedies

- Supreme Court Review (Section 11):** Final decisions generally cannot be reviewed by the same court. However, the SC may review its own decision if new material facts emerge post-judgment or if the ruling violates established precedent. Must be filed within 60 days. Excludes cases already reviewed, decided by Larger Full Bench, or Constitutional Bench.
- Supreme Court Revision / Leave to Appeal (Section 12):** The SC may grant revision against non-appealable High Court judgments in cases involving severe legal/constitutional error, departure from precedent, loss of public property, or improper legal representation of vulnerable groups (children, women, disabled, elderly over 75). Must be filed within 45 days.

- **Interim & Interlocutory Appeals (Section 15):** Parties aggrieved by interlocutory orders (detention, bail, guarantee, or temporary injunctions) may appeal to the immediate higher court. For severe criminal cases (10+ years potential imprisonment), orders regarding detention or bail can be petitioned directly to the Supreme Court on grounds of legal irregularity.
- **Contempt of Court (Section 17):** All court tiers possess powers to initiate contempt proceedings against acts obstructing justice or dishonoring orders. Penalties reach up to 1 year imprisonment, NPR 10,000 fine, or both. The court retains full discretion to purge contempt or waive penalties upon an unreserved apology.
- **Habeas Corpus & Vacation Hearing Safeguards (Section 26-27):** During court closures exceeding 3 days, designated judges must be appointed to receive and hear Habeas Corpus petitions. Courts are empowered to issue search warrants and dispatch search teams if detainees are hidden or subjected to unlawful torture.

5. Administration, Inspection & Case Management

- **Annual & Casual Inspections (Sections 21-22):** Appellate courts must conduct mandatory annual inspections of subordinate courts and quasi-judicial bodies. Focus areas include trial detentions, execution of judgments, public interest litigation, and cases involving vulnerable litigants.
- **Judicial Integrity & Accountability (Sections 23-24):** Inspectors reporting judicial misconduct or procedural irregularities prompt formal notices to the Judicial Council or Ministry. Chief Justices can initiate internal investigations into staff misconduct, requiring reporting within 7 days.
- **Duty of Judges & Judicial Record-Keeping (Section 28):** Judges are legally bound to personally conduct orders, judgments, and witness testimony recordings. In the judge's absence, the Registrar (Shrestedar) may temporarily record statements or make bail/detention orders, subject to mandatory judicial review upon the judge's return.

6. Strategic Practice Notes for Advocate.

Adalat Lawyers - Key Procedural Checklist:

Limitation Periods: Strict enforcement of 60 days for Review (Sec 11) and 45 days for Revision (Sec 12). Timelines run from official certification dates. Monetary Thresholds for Appeals: Ensure claim amounts exceed NPR 500k (High Court) or NPR 2.5M (Supreme Court) when drafting appeal grounds based on financial metrics. Interim Relief Strategy: Utilize Section 15 petitions immediately when challenging burdensome trial court detention or bail conditions without waiting for final judgment.

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