**Rules of Professional Code of Conduct of  
Legal Practitioners, 2079 (2023)**

The following Rules are made by Nepal Bar Council exercising the powers conferred by Section 27 of Nepal Bar Council Act, 2050 (1993) and are enforced upon receiving approval from the Supreme Court on 1 March 2023.

1. **Short Title and Commencement:**(1) These Rules shall be called “Rules of Professional Code of Conductof Legal Practitioners, 2079 (2023)”.

(2) These Rules shall come into force on the date of receiving approval from the Supreme Court.

1. **Definition:**Unless the subject or context otherwise requires, in these Rules:-

* “Act” means Nepal Bar Council Act, 2050 (1993).
* “Disciplinary Committee” means Committee formed under Section 11 of the Act.
* “Court” means the Supreme Court, High Court, or District Court and it may also denote any Court, judicial body, or officer authorized to oversee and settle down any special cases in accordance with law.
* “Council” means Council formed under Nepal Bar Council Act, 2050 (1993).

1. **Duties and Responsibilities of Legal Practitioners:** Legal practitioners should abide by the following professional Code of Conduct in addition to the existing duties and responsibilities under prevailing laws :-

* Extend legal services in one’s profession by being fully independent,
* Not to carry out any work with or without compromising against the dignity of the profession by having personal bias, or being under the influence of any party to the other than one’s own party, or affecting the independence of the legal profession,
* Conduct the work by being free from unjust interest, the influence of other party as other than one’s own party of case or any issue that might interfere with the optimum welfare of one’s own party or professionaldecisions,
* Endeavor to find resolution by mutual discussion if in case of disagreement or dispute in context of professional work between a legal practitioner and other legal practitioners or parties,
* Provide for internship with a reasonable remuneration and exchange experiences continuously to one’s colleagues and newly entrant legal practitioners associated with oneself to establish them in the field of legal profession and provide additional time for professional involvement to the legal professionals who have gained practice in legal profession for a limited period,
* Maintain harmonious relations and behave equally and respectfully to clients, colleagues and legal practitioners involved with oneself,
* Not to take any responsibility in written or verbal manner of any responsibilities from anyone that cannot be fulfilled,
* Pre-inform clients about the estimated expenses that might be incurred and services to be delivered in the case, take the payments from clients for service charges through banks as much as possible, and give receipts for the payments and have a tax clearance certificate by recording the calculation of service charges in correct manner and auditing,
* Every legal practitioner, firm, or company should acquire Permanent Account Number (PAN) for oneself in accordance with law,
* Encourage, advise, and if needed make the party aware to behave politely before the court, legal practitioners, and other people involved in the case,
* Give training and exchange experiences with examiners sent by the Council for court practice work.

1. **Obligations of Legal Practitioners:**Legal practitioners should obey and abide by the following duties and obligations in addition to the existing duties and responsibilities under prevailing laws:-

* Not to do any acts including*inter alia* making slogans, circular, publishing news, advertisement, or spread correspondences with the intent to campaign the profession,

Provided that,

This provision under this clause shall not mean to restrict operating a webpage through the means of information technology by mentioning the names, addresses, experiences, services to be provided and areas of specialization of oneself and colleagues jointly working at one’s firm.

* Not to write or print in one’s name list, or visiting card, or file, or letter pad about former designations or any position not related to the legal profession with the intent to campaign the profession.

Provided that, this provision shall not mean to restrict printing by mentioning one’s areas of specialization.

* Not to express any thought or opinion or express negative views including through electronic publication, broadcast and press through social media or any other means with the intent to negatively impact, defame, or accuse the judiciary, judges, and one’s legal practitioners colleagues or express response or affirm (like) the opinion by expressing one’ agreement to the opinion expressed by another.
* Not to publicly publicize through social media or any other means the oral arguments presented in the court, legal advise given or court judgment or order where oneself was involved in the case with the intent to publicize or advertise.

Provided that, this provision shall not mean to restrict the expression of creative opinion or intellectual argument on important issues of public concern.

* Not to express one’s opinion or thoughts in public manner or publish a written expression, advertise, or give interview in a manner that would negatively impact the privacy of the party to a case that is *sub-judice* in the Court.
* Not to receive any gift, compensation, or commission from another legal practitioner in consideration of referring any case.
* Not to harass or pester the party, opposing party, or legal practitioner of the opponent party or demand to unnecessarily postpone the case from hearing on as. If in case the case has to be postponed from the list for appropriate reason, legal practitioners of the opponent party should be pre-informed of it as far as possible. Oral arguments should not be done in a manner that should delay the case unnecessarily and not to obstruct judicial proceedings.
* Act respectfully with the opposing legal practitioner and behave amicably without anger, aggression, and malice during the oral arguments in the context of the case or while rendering legal service in other places by representing the party. Not to unfairly accuse each other.
* Legal practitioners should not act a broker of any manner.
* Not to publicize any subject or issue on which one has been invited for opinion or consultation by anyone as a part of professional duty or any issue of advise or consultation given by oneself to another.
* After being appointed as a legal practitioner of a party, one should not give advise, consultation, or represent the other party in the case.

Provided that, this provision shall not be applied in the context of compromise of the case with mutual agreement between the parties.

* Not to do or make others do any act that might weaken any act done in the pursuit of attaining the objectives of the Constitution of Nepal Bar Association.
* Not to do and make others do any act with the intent to make gain in any issue by claiming credit for an action that one did not do or by claiming a position that one does not have.
* Not to appoint a broker to receive cases or give commission to anyone of any manner for granting cases.
* Not to submit fabricated or false details while submitting the details when sought by the Council.
* Senior advocate should be prioritized on the seat for legal practitioners in the Bench. The seat for government lawyer should be left unseated. Not to crowd the Bench by sitting on the seats assigned for legal professionals until one’s turn comes.
* Legal practitioners should not issue any statement, give interview, or express any opinion through publication or broadcast that would impact a case under hearing before or after the oral argument of the case.
* Since information and notice with time to be delivered to the party can be done through legal practitioners receiving themon behalf of the party, such information should be delivered to the party immediately.
* One should not interrogate on issues such as the personality, image to a witness during witness examination. Generally, the client should be defended in court, or judicial or quasi-judicial body. In situations where the court orders or directs, legal practitioners can remain a guarantor or take responsibility of the duties on behalf of the party in court or judicial bodies.
* Oral arguments made before the Court should be precise and point-based. Oral arguments should be concluded in the allotted time.
* Silence should be maintained in places where the court has declared to be areas of silence.
* While advising any client, legal practitioner should not advise the client to violate the law, or advise the clients in a manner that encourages making false statements. Legal practitioners should not do acts such as giving personal protection or hiding the accused.
* Legal practitioner can charge the clients with mutual agreement between the party and the legal practitioner based on factors such as the nature of the case, volume of documentation, time to be taken to study, possible number of representation in the court and responsibilities to be fulfilled in the case, research required, human resources essential for the study. Receipt should be given while recieving payment. Council can provide for other essential criteria for the provision of payment.
* Legal practitioner should not engage or let others engage in sexual misconduct with anyone at places of work including one’s office or Court.

1. **Restriction on working as a legal advisor or litigating as a legal practitioner:**

* Legal practitioner elected or nominated in the following positions cannot act as a legal advisor for the Government of Nepal, Province Government, or Local Level and offices therein or any organization having full or partial ownership of the Government of Nepal.
* The position of chairperson or deputy chairperson or head or deputy head or member of the Local level;
* The position of the Member of Province Assembly, and
* The position of the Member of Federal Assembly.
* Any person who retired from the position of judge at a High Court cannot litigate in such High Court that one worked at as a judge and district courts under such High Court.

Provide that, such legal practitioners shall not be restricted from litigating at other High Courts and the Supreme Court.

1. **Additional conduct to be fulfilled by senior advocates:** Senior advocates should fulfill the following conduct in addition to fulfilling the conduct under these Rules:-

* Cannot plead/act by being present at quasi-judicial bodies.
* Should include at least one additional advocate for professional assistance while presenting oral arguments before the Bench in any case.
* Should provide a reasonable remuneration to the assistant legal practitioner. In order to promote and encourage the professional assistant to present oral arguments, one should generally give him/her the opportunity first to present oral arguments before one presents the oral arguments.

1. **Responsibilities towards the party:** Legal practitioners should fulfill the following responsibilities in addition to the duties and responsibilities stated in the prevailing laws:-

* Legal practitioners should not be present in a case or ask for a case or include oneself in the hearing procedure with one’s individual preference in cases except cases of *Habeas Corpus* and public interest.

Provided that, this provision shall not restrict legal practitioners from rendering legal assistance in the condition where any other legal practitioner requests for legal advise in specific cases in issues including oral arguments and litigation and others or when an authorized body or entity requests for legal assistance of any kind.

* In case where one is unable to litigate of behalf of the party and returns the file to the party, it should be done by giving sufficient time for the party to appoint another legal practitioner.
* Act with honesty, and advise, render services, and plead/act by staying within the boundary of law while representing any party.
* Legal practitioners cannot alienate oneself from the responsibilities of providing legal services in any case including pleading/acting, representing, and defending the party where the legal practitioner has once taken the case for oneself except with appropriate basis and reasons or with the agreement of the concerned party.
* Parties should be properly informed about the issues of applying alternative means such as prospects of dispute resolution, mediation and expected time and costs that may be incurred in those means. Parties should be fully and properly informed about issues such as*inter alia* hearing, judgment, appeal of the case.
* No actions should be done such as filing a case or making file a case or extending a case with the intent to distract the party when one knows that it is impractical and impossible.
* Legal advise should be furnished by specifying legal basis with facts and in a reasonable manner.
* Parties should be informed about necessary issues about the conduct to be followed by the legal practitioner.
* Confidentiality should be maintained on the issues of information and facts received from the parties while rendering legal services to the parties. Confidentiality on such issues of information and facts should not be violated. One should monitor on the issue of whether or not the confidentiality of such information is violated by assisting employees including legal practitioners associated with oneself.
* Not to give any support or encouragement to parties to file a wrong case.
* Not to give any encouragement or advise to file or make file a case with the intent to harm or take revenge on anyone.
* No case should be taken or remuneration be fixed with the parties by fixing the remuneration on the basis of the proportion of the involved amount in the case or negotiating on the basis of the prospects of win-loss in the case. Legal practitioner should not associate oneself with or purchase the property to be received as an outcome of a case in which one is involved in. No loans should be given to or taken from the parties for the purpose of representation done by oneself in the case.
* No action should be done by taking a portion of the money raised by taking responsibility of raising unpaid loans or other money to be paid to the parties of the case.
* One should not prepare documents or represent during oral arguments on behalf of both party and the opposing party in the same case. No legal practitioner, or paralegal (*lekhapadhi*) professional, or other people working with oneself should be intentionally allowed to draft a legal document or pleading/acting on behalf of the opponent party.
* One should not retake the case and give advice or involve as a legal practitioner again in any issue where one had previously been involved in the case once on behalf of one party.

Provided that, this provision shall not prevent from being involved in discussion during compromise or compromise between the parties after coming to an agreement or during the study and research, preparation of report, or jurimetrics research of the judgment upon a judgment has been rendered.

* No act should be done as a means to make gain for oneself or any other person or making loss for the party preparing written documents such as a loan deed or contract or the pre-signed blank paper provided by the party.
* One should not tamper the valid documents given by the party by getting together with the opponent party and making them inadmissible as evidence or rendering them invalid.
* One should put the welfare of the party that one represents above the interest of oneself and the interest of others. One should not do representation in legal proceedings that involve conflict of interests.
* Generally, one should not represent more than one party in any case where there are more than one co-accused and parties and there is conflict of interest among the parties.
* One should not do any work that adversely impacts the welfare of the party under the direction of any person except one’s party or authorized representative of the party. Legal practitioner should not conceal any object or evidence that would prove the innocence of the accused.
* While advising any client, legal practitioner should not advise the client to violate the law, or advise the clients in a manner that encourages speaking false statements. Legal practitioners should not do acts such as giving personal protection or hiding the accused.
* The party should be notified in case of conflict of interest of any manner. Legal practitioner should take necessary actions to minimize such conflict of interest. Legal practitioner should remove oneself from the case if he/she is unable to eschew the interest or minimize the conflict.

1. **Responsibilities towards the Court and judges:** Legal practitioners should fulfill the following professional code towards the Court and judges in addition to the responsibilities to be fulfilled as stated in the prevailing laws:
2. Should assist the court in concluding the case.
3. Should not prevent or cause to prevent the party from making a statement or testimony of truthful nature.
4. Should not intentionally present those facts in oral arguments that are not present in the case file.
5. Should not do any act that involves unnecessarily contacting, personally communicating, meeting, organizing group gathering except for personal or public purposes with judges, bring judges into controversy and do any work that might adversely impact their personal dignity.
6. Should not do any acts such as *inter alia*phone call, S.M.S, and talk about the facts of the case outside the Bench with judges or concerned file custodian (*Phantwala*) or court employee in a manner that impacts the case.
7. Should not abuse or make others abuse the legal process.
8. Should not publicize any false information in a manner that would create distrust towards the court or judges during the proceedings relating to the administration of justice.
9. Should not be present in court while smoking, drinking alcoholic beverages, consuming narcotic drugs or other substances of similar nature during the court hours.
10. Should fulfill disciplinary rules such as politely presenting oral arguments and presenting oneself in a reasonable manner during one’s turn during the proceedings of oral arguments in the Bench.
11. Should present truthful facts of the case, laws, and precedents truthfully before the court. No legal practitioner should mislead or delude the court.
12. Legal practitioners presenting oral arguments in the court should present brief point-based written arguments before the Bench. Senior advocates can authorize the assisting legal practitioner to submit those points one behalf of oneself.
13. Leading legal practitioner should divide the time for presenting oral arguments among the legal practitioners for defending a party if there exists more than one legal practitioner for one party in any case.
14. The postponement of the date of hearing (*peshi*) for any case should be requested on the basis of actual difficulties faced by oneself and not as a legal right and during such postponement one should compulsorily state such reason for postponing the hearing.
15. Selected senior advocates or advocates should present oral arguments as amicus curiae to support the court if the court requests the concerned Bar Association for the services or support of legal practitioner as amicus curiae.

1. **Duties towards the general public:**

* Legal practitioners should fulfill the following conduct towards the general public in addition to the duties and responsibilities stated in the prevailing laws:
* Should not authorize any draft documents prepared by other people except oneself or under one’s direction and surveillance by legal practitioners employed at one’s firm or chambers or such paralegal professionals employed with oneself with the intent to approve such documentations.
* Should not present or make present by the party fabricated or false statements, or encourage the party to present plea of alibi and create or make others create artificial evidence to prove such claims with the intent to free the accused during litigation in criminal cases.
* Should not participate or make others participate in corruption. No inappropriate acts such as appeasing should be done to the judge in any case.
* Should not do any crime involving moral turpitude.
* Should not encourage filing false complaints in case if the party wins or loses.
* Presentation of oral arguments should be commenced disclosing one’s identity and informing the pre-submission of the Power of Attorney (*wakalatnama*) while being present in the Bench for presenting oral arguments.
* The Council may request the concerned body or court to commence proceedings in accordance with law if anyone threatens, insults, and misbehaves while a legal practitioner commutes from the office to the court or on the basis of doing legal practice and creates a situation of insecurity.

1. **Power of Attorney (*wakalatnama*) should be submitted:**

* Legal practitioners should submit a Power of Attorney on behalf of the party to the case in the format prescribed in Schedule -1 while pleading and acting in the court.
* Legal practitioner should void the power of attorney by submitting a written notice to the court if one is unable to participate in any case for which one has previously submitted the Power of Attorney. If in case any complaint is filed over the outcome of the case that one represented in, one should inform the council the details of the issue.

1. **Dress code for legal practitioners:** Legal practitioners should compulsorily follow the dress code prescribed in Schedule-2 while being present in the Bench for presenting oral arguments.

1. **Complaint can be filed:**

* Written complaint can be filed to the Council by any concerned person who wants to report the violation of Professional Rules of Ethics to be followed by legal practitioners by stating which legal practitioner violated which code of conduct including its basis, evidence, and details as much as possible.
* The Council may initiate disciplinary proceedings itself on the basis of any information received regarding the violation of the Rules of code of Conduct even if there is no written complaint filed.
* Disciplinary Committee of the Council may demand essential details or documents from the complainants or stakeholders in relation to any complaint against a legal practitioner regarding professional Code of Conduct.
* Notwithstanding anything stated in the Rules, no proceedings can be commenced against any legal practitioner for pleading and acting in the Court in good faith for the welfare of one’s party. The legal practitioner deserves full professional freedom.

1. **Confidentiality to be maintained:**

* The Council and the Disciplinary Committee should maintain confidentiality of the name of the complainant, details of the complaint, and the details of examination while conducting preliminary investigation regarding the complaint filed against any legal practitioner. During the preliminary investigation as such upon finding the complaint to have been filed against any legal practitioner on pursuit of bias and has been unnecessary the Council may quash or pacify such complaint.
* If in case it is found that the complaint is false during conducting the proceedings for the complaint, legal proceedings shall be commenced against such complainant if there exists any such procedures in the prevailing laws.

1. **Procedures shall be taken upon investigation:**

* Complaint filed against legal practitioner under Rule 12 shall be investigated and advanced ahead according to Disciplinary Committee (Working Procedure) Rules, 2058.
* Action may betaken and punishment may be imposed if upon investigation the legal practitioner does not appear to have followed the Rules of Code of Conduct.

1. **Code of conduct shall not be deemed to be violated:** Notwithstanding anything stated in these Rules, legal practitioners shall not be deemed to have violated the Code of Conduct under following conditions:

* Providing legal or aid services in other cases against *inter alia* any company, corporation, organization except when during when one was acting as an advisor to those entities, or
* Matter of permission taken for advocacy by a person while being employed at any office or organization that has been under full or partial ownership of the Government of Nepal, or
* Charging reasonable remuneration from the party and the opponent for drafting the request for compromise and preparing the compromise document in case of compromise in the case, or
* Issues such as disputes of family, or neighbor or with others that is irrelevant to the profession of law, or
* Any issue relating to decency expressed during presenting the oral arguments in court, or
* Issue of conducting intellectual exercise relating to study, investigation, preparing report, and jurimetrics research of any case in which one once participated in on behalf of the party or the opponent in which the court has rendered a judgement.

1. **Repeal and saving:**

* The Code of Conduct for Legal Practitioners, 2051 (1994) is hereby repealed.
* All activities undertaken under the Code of Conduct for Legal Practitioners, 2051 (1994) shall be deemed to have beenconducted according to these Rules.

**Schedule- 1**

**(Relating to Rule 10)**

**Submitted to…………………………**

**Form of Power of Attorney (*Wakalatnama*)**

Writ/Appeal/Petition/Civil case/ Criminal case no……of year 20…

Party……………………….

Opponent…………………..

Case:………..

Since I………am the plaintiff/defendant/appellant/respondent/petitioner in the stated case, I write this Power of Attorney today appointing you Senior Advocate/Advocate/Pleader ……… as legal practitioner to *inter alia* attend/plead and act/receive subpoena issued in my name until the final decision of this case is rendered. Do not do any act to harm my interest in the case. I will not file any complaint against you at any authority on the issue of the outcome of the case that you represented on my behalf.

Name and signature of the party

**[Contents of the following page provided in this Schedule may be incorporated in this page for official purposes]**

**Acceptance**

Since you Mr./Ms……….. have granted me the Power of Attorney with aforementioned details, I accept to plead and act in the stated case on behalf of the party. I shall not do any act to harm your interest in this case.

Date:

Senior Advocate/Advocate/Pleader

License no.:

**Schedule-2**

**(Relating to Rule 11)**

(Dress code to be followed by legal practitioners while being present in court toplead/act)

* **For male legal practitioners:**

1. Black coat with national dress *daurasuruwal*, formal black leather shoes with lace and cotton socks that appear simple white or cotton socks in dark black colour, *dhakatopi* or black

Or

1. Black coat, black pants, simple white shirt, formal black leather shoes with lace and cotton socks that appear simple white or cotton socks in dark black colour, *dhakatopi* or black *bhadgauletopi*, tie or neck band (*dhakatopi* or black *bhadgauletopi,* tie or neck band is optional for this).

Or

1. Gown in black colour, simple white shirt, stand, black pants, cotton socks that appear simple white and formal black leather shoes with lace and cotton socks that appear simple white or cotton socks in dark black colour.

* **For female legal practitioners:**

1. Black coat with *saree*, Nepali blouse(*cholo*) or blouse or *kurtha* and *salwar* in simple colour, formal black leather shoes and cotton socks that appear simple white or cotton socks in dark black colour.

Or

1. Black coat, black pants, simple white shirt, formal black leather shoes and cotton socks that appear simple white or cotton socks in dark black colour.

Or

1. Gown in black colour, simple white shirt, stand, black pants, formal black leather shoes and cotton socks that appear simple white or cotton socks in dark black colour.

* **Notwithstanding anything stated in provisions (a) and (b) –**

1. Can wear attire in accordance with one’s ritual and traditionduring the period of mourning.
2. Can wear a simple thick or thin black sweater according to the weather.

* It is compulsory to wear the badge provided by the Nepal Bar Council or Nepal Bar Association in all dresses.