

MUTUAL LEGAL ASSISTANCE ACT, 2014 (2070)

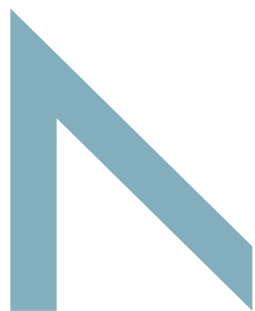
Nepal has made a step further in the area of making its judicial outreach to cross-broader issues by promulgating the Mutual Legal Assistance Act, 2014 (2070). The said Act deals with the process and requirements of providing and obtaining legal assistance between Nepal and any other foreign country on certain legal matters. Read more.....

Nepal has made a step further in the area of making its judicial outreach to cross-broader issues by promulgating the Mutual Legal Assistance Act, 2014 (2070) ("MULA"). The MULA deals with the process and requirements of providing and obtaining legal assistance between Nepal and any other foreign country on certain legal matters. Section 5 of the MULA outlines the scope of legal assistance that the government of Nepal can seek from any foreign country or the foreign country can seek such assistance from the government of Nepal. Pursuant to the Section 5 of the MULA the Nepal government and the foreign country can request to each other inter alia for the legal assistance to (a) examine evidences, (b) serve notice, (c) carry out investigation, (d) attach the title of any property, (e) presenting a person, (f) enforcement of judgment.

Section 3 of MULA imposes bilateral treaty and reciprocity requirement for enforcement of judgment and providing of legal assistance. Section 3 provides a general rule that legal assistance can be provided to a foreign country on the basis of a bilateral treaty or on the basis of reciprocity commitment from the foreign country. Section 3, however, requires bilateral treaty as a condition for enforcement of foreign judgment in Nepal.

Section 4 of the MULA also excludes certain matters from the scope of mutual legal assistance. Pursuant to the Section 4 of the MULA (a) the civil case the total claim amount of which is below Rupees one hundred thousand, (b) the criminal offence the punishment for which is less than one year in terms of imprisonment or Rupees fifty thousand in terms of fine are not subject to the mutual legal assistance.

We are not aware of any treaty or bilateral arrangement entered by Nepal under MULA so far.



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