

## **The University Grants Commission Act, 2050 (1993 A.D.)**

Date of Royal Assent and Publication

2050-8-7 B.S. (Nov. 22, 1993)

**Act No. 25 of 2050 B.S.**

### **An Act to provide for the University Grants Commission**

**Preamble:** Whereas, it is expedient to establish a University Grants Commission and to provide for it in order for appropriate distribution of grant amount received from various sectors for operation and development of universities in the Kingdom of Nepal and for carrying out functions to motivate for providing quality education having determined academic standard of universities;

Now, therefore, be it enacted by parliament in 22<sup>nd</sup> year of reign of His Majesty's the King Birendra Bir Bikram Shahdev.

1. Short Title and commencement: (1) The title of his Act is the University Grants Commission Act, 2050.

(2) This Act shall come into force from the date prescribed in a notification published by His Majesty's Government in the Nepal Gazette.<sup>①</sup>

2. Definition : Unless the subject or context requires otherwise, in this Act –

(a) "Commission" means the University Grants Commission established under section 3.

(b) "University" means the universities established or to be established as per prevailing law.

(c) "Chairperson" means the Chairperson of the commission.

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<sup>①</sup> Prescribed to be appointed since 2051-2-2 ( May 16, 1994 AD.) (Nepal Gazette 2051-2-19 June 2, 1994 A.D.)

(d) "Member" means member of the commission and the word includes the Chairperson and Member-Secretary as well.

(e) "Secretary" means the Secretary of the commission.

(f) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules to be framed under this Act.

3. Establishment of Commission: (1) There shall be established a University Grants Commission for appropriate distribution of grants amount received from various sectors for operation and development of universities in the Kingdom of Nepal and for providing quality education having determined academic standard of universities.

(2) The commission shall be called University Grants Commission in English language.

(3) Office of the commission shall be located at Kathmandu Valley.

4. Commission to be an Autonomous Body: (1) The commission shall be an autonomous body corporate having perpetual succession.

(2) The commission shall have its separate seal for all of its business.

(3) The commission may, like an individual, acquire, use, sell or dispose of movable and immovable property in any manner.

(4) The commission may file litigation like an individual and litigation may be filed against the commission as well in its name.

5. Formation of Commission: (1) Formation of the commission established under sub-section (1) of section 3 shall be as follows: -

(a) The person nominated by His Majesty's Government from amongst renowned educationists –Chairperson

- (b) Two Vice-Chancellors nominated by His Majesty's Government from amongst Vice-Chancellors of Universities –Member
- (c) Member (Education Sector), National Planning Commission –Member
- (d) Secretary, Ministry of Education, Culture and Social Welfare –Member
- (e) Secretary, Ministry of Finance –Member
- (f) Two persons nominated by His Majesty's Government from amongst learned persons making special contribution in higher education and senior professors–Member
- (g) Two persons nominated by His Majesty's Government from amongst persons of different walks of life making special contribution in education–Member
- (h) Secretary–Member Secretary

(2) The terms of office of nominated members shall be of four years and they may be reappointed upon expiry of the terms of office.

(3) His Majesty's Government may, on the recommendation of the commission along with reasons, alter the members of the commission having published a notification in the Nepal Gazette.

6. Functions, Duties and Powers of the Commission: (1) Functions, duties and powers of the commission shall be as follows: –

- (a) To provide consultation to His Majesty's Government with regard to establishing university;
- (b) To formulate policies with regard to providing grants amount received from various sectors to universities;

- (c) To provide grants to universities and to ask for additional grants and to recommend universities for this purpose to the concerned bodies;
- (d) To maintain coordination amongst universities for making academic programs to be conducted as per universities standard;
- (e) To design appropriate programs for enhancement of academic standard;
- (f) To make necessary provisions with regard to maintaining appropriate academic standard in universities;
- (g) To make necessary provisions with regard to exchange of scholarship and fellowship with universities or academic institutions within and outside the Kingdom of Nepal.
- (h) To maintain coordination amongst universities;
- (i) To submit annual report of acts and activities of the commission to His Majesty's Government; and
- (j) To carryout other functions as prescribed for fulfilling objectives of the commission.

(2) The commission may, if it deems necessary, seek advices from any native or foreign expert or consultant.

7. Particulars may be Asked: (1) The commission may, in connection with the functions and duties referred to in section 6, ask for necessary particulars relating to financial transaction, the present fund, academic programs, curriculum or other activities of any university or academic

institutions being run there under, and it shall be the duty of the concerned university to make available such particulars.

8. Meetings of Commission: (1) Meeting of the commission shall be held at least for once in a month.

(2) The Chairperson shall preside over meetings of the commission and in his absence; the member prescribed by the Chairperson shall preside over meeting of the commission.

(3) If fifty percent of the total members of the commission are present, it shall be deemed to have constituted quorum for meeting of the commission.

(4) The Member-Secretary shall authenticate decisions of meetings of the commission.

(5) Other procedures relating to meetings of the commission shall be as determined by the commission.

9. Committees or sub-committees may be formed: (1) The commission may form committees or sub-committees as may be necessary for carrying out any function that it has to carryout pursuant to this Act or Rules framed under this Act.

(2) Functions, duties, powers and procedures of the committees or sub-committees to be formed pursuant to sub-section (1) shall be as prescribed by the commission.

10. Consultation with the Commission to Establish University: His Majesty's Government shall have consultation with the commission with regard to establishment of a new university.

11. Grants to Universities: (1) Notwithstanding anything contained in prevailing Nepal law, the grants to be made available to universities after

commencement of this Act shall be made available through the commission.

(2) The commission may recommend the university fulfilling the prescribed conditions for grants before any other organization.

(3) The Commission may provide financial assistance to the private colleges having fulfilled the prescribed conditions.

(4) Other provisions relating to grants to be given to universities shall be as prescribed.

12. Functions, Duties and Powers and Terms and Conditions of Service of Chairperson:

(1) The functions, duties and powers and terms and conditions of service of the Chairperson shall be as prescribed.

(2) The Chairperson shall be an official working for full time.

13. Secretariat of Commission : (1) There shall be a secretariat for functioning and administrative activities of the commission.

(2) The Secretary shall operate daily business of the commission under the supervision of the Chairperson.

(3) His Majesty's Government shall appoint the Secretary.

(4) The term of office of the Secretary shall be of four years.

(5) The functions, duties, powers, remuneration and benefits of the Secretary shall be as prescribed.

14. Provisions Relating to Employees: (1) There shall be employees in the commission as may be necessary.

(2) The posting, qualification and remuneration and other benefits of the employees needed for the commission shall be as prescribed.

15. Fund of Commission: (1) There shall be a separate fund of the commission and the following amounts shall be deposited in the fund: –
- (a) Amounts received from His majesty's Government,
  - (b) Amounts received from international organization, association or foreign government or agency,
  - (c) Amounts received from any other source.
- (2) In case the commission has to receive any amount pursuant to sub-rule (b) of sub-section (1), it shall be received through His Majesty's Government.
- (3) Amounts to be collected in the fund of the commission shall be deposited at any bank in the Kingdom of Nepal and the operation of the account shall be as prescribed.
- (4) Entire expenses to be made by the commission shall be borne from the fund referred to in sub-section (1).
16. Accounts and Auditing: (1) Accounts of income and expenditure of the commission shall be maintained as per prevailing laws.
- (2) Auditing of the commission shall be carried out by the office of the Auditor General.
- (3) His Majesty's Government may, if it deems appropriate, inspect or cause to inspect books and accounts of income and expenditure of the commission in any time whatsoever.
17. Delegation of Powers: The commission may delegate some of powers conferred on it pursuant to this Act or Rules made there under to the Chairperson, members, Secretary, committee or sub-committee of the commission or on any other employee as may be necessary.

18. Liaison with His Majesty's Government: While making contact with His Majesty's Government, the commission shall make contact through the Ministry of Education, culture and social welfare.
19. Powers to Frame Rules: In order to fulfill objectives of this Act, the commission may frame necessary Rules and such Rules shall be enforced only after approval by His Majesty's Government.