

Pokhara University Act, 2053 (1996)

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Amendment:

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| 1. Income Tax Act, 2058 (2001) | 2058.12.19 |
| 2. Some Nepal laws Amendment Act, 2063 | 2063.6.28 |
| 3. Some Nepal Acts Amendment Act, 2064 | 2064.5.19 |
| 4. Republic Strengthening and Some Nepal Law Amendment Act, 2066 | 2066.10.7 |

Act No 33 of 2053 (1996)

An Act to make provisions relating to the Pokhara University

Preamble: Whereas, it is expedient to establish the Pokhara University for making available opportunity of quality education to general public on Arts, Science, Law, Management, Education, Technology and other subjects; for operation of higher level educational institutions through the maximum participation of private sector in higher education in order to enhance quality and standard of education on competitive basis, and to make academic and educational atmosphere of the country more fair, disciplined and result-oriented ;

Now, therefore, be it enacted by Parliament in the Twenty-Fifth year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. **Short Title and Commencement:** (1) This Act may be called as the "Pokhara University Act, 2053 (1997)".

(2) This Act shall come into force on such date as Government of Nepal may, by a Notification published in the Nepal Gazette, appoint*

* As appointed to be commenced from 2054-4-1 (July 16, 1997)
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2. **Definitions:** Unless the subject or the context otherwise requires, in this Act: –

- (a) "University" means the Pokhara University established pursuant to Section 3.
- (b) "Senate" means the University Senate as referred to in Section 7.
- (c) "Academic Council" means the Academic Council as referred to in Section 10.
- (d) "Executive Council" means the Executive Council as referred to in Section 12.
- (e) "Service Commission" means the Service Commission as referred to in Section 14.
- (f) "Faculty" means the faculty under section 15.
- (g) "Research Center" means the Research Center under section 16.
- (h) "Education Council" means the Education Council under section 17.
- (i) "Dean" means the chief of the faculty.
- (j) "Campus" means the constituent campus of the University and includes any campus affiliated to the University.
- (k) "Teacher" means the Professor, Reader, Lecturer and Assistant Lecturer engaged in providing education or conducting research at the University and this word also includes the instructors of various levels at the University and the person specified as Teacher in the Regulation made under this Act.
- (l) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

3. **Establishment of the University:** (1) The Pokhara University is hereby established for the operation of higher level educational institutions of Arts,

Science, Law, Management, Education, Technical and other prescribed subjects.

(2) The Central Office of the University shall be located in the Kaski District.

4. **University to be Autonomous Corporate Body:** (1) The University shall be an autonomous corporate body with perceptual succession.

(2) The University shall have a separate seal of its own for all of its business.

(3) The University may, like an individual, acquire, use, sell or otherwise dispose of movable and immovable properties.

(4) The University may, like an individual, sue and may be sued in the same name.

5. **Organization of the University :** The organization of the University shall be as follows and their collective form shall be the structure of the University:

- (a) Senate,
- (b) Academic Council,
- (c) Executive Council,
- (d) Service Commission,
- (e) Faculty,
- (f) Education Council,
- (g) Research Centre,
- (h) Campus,
- (i) Curriculum Development Centre, and
- (j) Other bodies as prescribed.

6. **Officials of the University**: The University shall have the following officials :

- (a) Chancellor,
- (b) Pro-Chancellor,
- (c) Vice-Chancellor,
- (d) Chairperson of the Service Commission
- (e) Registrar,
- (f) Dean,
- (g) Chief of the Research Center
- (h) Campus Chiefs
- (i) Chief of Curriculum Development Center, and
- (j) Other officials as prescribed.

7. **Constitution of the Senate** : (1) There shall be a Senate as the supreme body of the University.

(2) The constitution of the Senate shall be as follows: -

- (a) Chancellor - Chairperson
- (b) Pro-Chancellor - Vice-Chairperson
- (c) Vice-Chancellor - Member
- (d) ×
- (e) Two persons from amongst Vice-Chancellors of other Universities - Member
- (f) Secretary, Ministry of Education - Member
- (g) Three persons from amongst the educationists - Member

× Deleted by Republic Strengthening and Some Nepal Law Amendment Act, 2066
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- (h) Deans - Member
- (i) Three persons from amongst the Mayors of the Municipalities including the Mayor of Pokhara Municipality - Member
- (j) Four persons from amongst the Campus Chiefs - Member
- (k) Three persons from amongst the Chairperson of the Subject Committees of the University - Member
- ⁺ (k1) Representative of Nepal Profession Union - Member
- (l) Representative, Pokhara University Teachers Association - Member
- (m) Three persons from teachers - Member
- (n) Three persons from amongst the Presidents of the District Development Committees including the President of the Kaski District Development Committee - Member
- (o) Chairperson of the University Grants Commission or a member designated by him - Member
- (p) Three persons from amongst those who are fond of education and social workers, - Member
- (q) Four persons from amongst the industrialists, traders and farmers - Member
- (r) Two persons from amongst the donors - Member
- (s) Two persons from the Headmasters of Higher Secondary Schools - Member

⁺ Inserted by Some Nepal laws Amendment Act, 2063
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(t) Two person from the Presidents of the Free Students Unions of the Campus - Member

(u) Registrar- Member-Secretary

(3) Except the *ex-officio* members, the other members of the Senate shall be nominated by the Chancellor on the recommendation of the Executive Council.

(4) The term of office of the nominated members shall be of three years.

(5) In case the office of the nominated members fall vacant for any reason whatsoever, another person shall be nominated for the remaining term having fulfilled the process referred to in Sub-section (3).

8. **Meeting of the Senate** : (1) The meeting of the Senate shall be held at least once a year.

(2) Meetings of Senate shall be held on the date and at the time and place prescribed by the Chairperson.

(3) Member-Secretary of the Senate shall give notice along with agenda to be discussed in the meeting at least fifteen days in advance than the date of the meeting of the Senate.

(4) In case at least fifty percent of the total members of the Senate are present, it shall be deemed to have constituted the quorum.

(5) The meeting of the Senate shall be presided over by the Chairperson, and in absence of the Chairperson, by the Vice-Chairperson of the Senate and by the Vice-Chancellor in absence of the both Chairperson and the Vice-Chairperson.

(6) Majority opinion in meeting of the Senate shall be binding and in case of tie the person presiding over the meeting shall exercise the casting vote.

(7) The Member-Secretary of the Senate shall authenticate decisions of the Senate.

(8) Other procedures relating to the meeting of the Senate shall be as prescribed by the Senate itself.

9. **Functions, Duties and Powers of the Senate** : The functions, duties and powers of the Senate shall be as follows :

- (a) To formulate policies of the University.
- (b) To formulate long-term programs for development of the University and to implement or cause to implement such programs,
- (c) To guide to the University.
- (d) To conduct and manage or to cause to conduct and manage academic programs of the University.
- (e) To make or cause to make necessary arrangements relating to the establishment and affiliation of campuses.
- (f) To determine the degrees to be conferred by the University.
- (g) To issue directions and to provide guidelines to the constituent campuses of the University and the campuses affiliated to the University.
- (h) To allow the University to launch a new program.
- (i) To determine or cause to determine educational, academic and administrative policies of the bodies under the university.
- (j) To approve annual budget and programs of the University.
- (k) To discuss on annual reports of bodies under the University and to evaluate programs
- (l) To appoint auditor, to discuss on audit report and to approve,
- (m) To approve Bye-laws relating to the University

- (n) To fix the number of posts of the employees and teachers needed for academic and administrative functions of the University.
- (o) To constitute various committees, sub-committees or task-forces as per the need of the University.
- (p) To perform other functions as may be prescribed.

10. **Constitution of Academic Council**: (1) There shall be an Academic Council consisting of the following members as the educational and academic body of the University:

- (a) Vice-Chancellor - Chairperson
- (b) Registrar - Member
- (c) Deans - Member
- (d) Five persons from amongst the chairmen of various subject committees of the University - Member
- (e) Chief of Research Center - Member
- (f) Chiefs of the Curriculum and Examination Divisions of the University - Member
- (g) Four persons from amongst the Campus Chiefs - Member
- (h) Two persons from amongst the teachers - Member
- (i) Two persons from amongst the educationists making substantial contribution in the education sector - Member
- (j) The Dean designated by the Vice-Chancellor from amongst the Deans - Member-Secretary

(2) The members other than the *ex-officio* members shall be nominated by the Chancellor on the recommendation of the Vice-Chancellor.

(3) The term of office of the nominated members shall be of three years.

(4) In case the office of the nominated members fall vacant for any reason whatsoever, another person shall be nominated for the remaining term having fulfilled the process referred to in Sub-section (2).

(5) The procedures relating to the meeting of the Academic Council shall be as prescribed by the Academic Council itself.

11. **Functions, Duties and Powers of the Academic Council** : The functions, duties and powers of the Academic Council shall be as follows:–

- (a) To determine the curriculum of the subjects to be studied, research and training under the University and to evaluate educational, academic and research activities of all levels.
- (b) To fix the modes of examination.
- (c) To determine the qualifications and numbers relating to the admission of students.
- (d) To formulate policies relating to research and to approve the research programs.
- (e) To evaluate the academic programs of the students.
- (f) To determine the standard of teaching and research.
- (g) To give opinion and advice to the Executive Council on academic matters.
- (h) To perform such other functions as prescribed.

12. **Constitution of Executive Council:** (1) There shall be an Executive Council consisting of the following members to act as the executive body of the University:

- (a) Vice-Chancellor - Chairperson
- (b) One person from amongst the Deans - Member
- (c) One person from amongst the Campus Chiefs who are members of the Senate - Member
- (d) Three persons from amongst the members of the Senate including one teacher - Member
- (e) Registrar - Member -Secretary

(2) The members referred to in Clauses (b), (c) and (d) of Sub-section (1) shall be nominated by the Chancellor on the recommendation of the Vice-Chancellor.

(3) The term of office of the nominated members shall be of three years.

(4) In case the office of the nominated members fall vacant for any reason whatsoever, another person shall be nominated for the remaining term having fulfilled the process referred to in Sub-section (2).

(5) The procedures relating to the meeting of the Executive Council shall be as prescribed by the Executive Council itself.

13. **Functions, Duties and Powers of the Executive Council** : The functions, duties and powers of the Executive Council shall be as follows :

- (a) To execute or cause to execute the decisions and directives of the Senate,
- (b) To prepare annual programs, budget, progress report, auditing report and other resolutions and to introduce them in to the Senate for approval,

- (c) To operate, look after and protect the fund and movable and immovable property of the University,
- (d) To sell, or give on lease movable and immovable property of the University subject to policy guidelines of the Senate,
- (e) To coordinate, look after, instruct programs conducted by the University and to submit report thereof to the Senate,
- (f) To draft Rules relating to the University and to submit them to the Senate for approval,
- (g) To appoint and promote teachers and employees necessary for the University on the recommendation of the Service Commission,
- (h) To accept donation, grant and financial and other assistance to the University,
- (i) To determine student fees,
- (j) To carry out other functions as prescribed.

14. **Service Commission:** (1) In order to recommend for the appointment and promotion of the teachers and employees of the University, there shall be a service commission as follows:-

- (a) The Person appointed by the Chancellor- Chairperson
- (b) Member, Public Service Commission - Member
- (c) One person from amongst Professors - Member

(2) The Chairperson and the member referred to in Clauses (a) and (c) of Sub-section (1) shall be appointed by the Chancellor on the recommendation of the Executive Council.

(3) The term of office of the Chairperson and the member to be appointed pursuant to Sub-section (2) shall be of four years.

(4) The procedures relating to the meeting of the Service Commission shall be as prescribed by the Service Commission itself.

(5) The service commission shall, while recommending for appointment and promotion of teachers and employees take the academic capacity and experience and administrative capacity and experience as main bases respectively.

(6) Other functions, duties and powers of the service commission shall be as prescribed.

(7) Functions, duties and powers of the Chairperson and members of the service commission shall be as prescribed.

(8) Remuneration and facilities of Chairperson of the Service Commission shall be as prescribed.

15. **Faculty**: (1) There shall be such faculties on such subjects as may be prescribed for the higher education to be imparted by the University.

(2) The functions, duties and powers of the faculties referred to in Sub-section (1) shall be as prescribed.

16. **Establishment of Research Centre**: (1) The University may establish various Research centre in order to carry out the functions relating to educational academic and research activities.

(2) The functions, duties and powers and *modus operandi* of the research center to be established pursuant to Sub-section (1) shall be as prescribed.

17. **Formation of Education council**: (1) In order for operation of educational and academic programs in each faculty, there shall be an Education Council.

(2) Under the Education Council referred to in Sub-section (1), there shall be committees as prescribed.

(3) Functions, duties and powers and procedures relating to meeting of the Council and committees thereunder shall be as prescribed.

18. **Establishment and Operation of Campuses**: (1) The University may, in order to impart higher education, establish and operate campuses of

various subjects according to the National Education Policy of the Government of Nepal.

(2) Provisions relating to the campuses to be established and operated by the University shall be as prescribed by the Government of Nepal.

19. **Establishment of Curriculum Development Centre:** (1) A curriculum development centre shall be established as prescribed in order for determination and development of curriculum.

(2) The Functions, Duties and Powers of the Curriculum Development Centre to be established pursuant to Sub-section (1) shall be as prescribed.

20. **Affiliation to University:** (1) In case any campus of private sector wishes to be operated upon getting affiliation to the university, the University may grant affiliation to such campuses.

(2) The campus having received affiliation pursuant to Sub-section (1) shall have to abide by terms and conditions as prescribed by the University.

21. **Special Provision Relating to Operation of Constituent Campus of other Universities:** (1) In cases where it is necessary to operate a campus, which is a constituent campus of any other university, as a constituent campus of this university, Government of Nepal shall form a committee consisting of the Vice-Chancellors of the concerned universities and the campus chief of such campus and in case the committee decides such campus to be operated as a constituent campus the University shall operate such campus as constituent campus.

(2) In case any campus is to be operated as a constituent campus of the University under Sub-section (1), the movable and immovable property under the ownership and possession of the Council and the liabilities thereof shall be devolve on the Same campus under the university.

(3) In case any campus is to be operated as a constituent campus of the university under Sub-section (1), the teachers and employees of that campus may, if they agree be engaged as teachers and employees of the constituent campus of the University.

(4) In case teachers and employees are engaged in a constituent campus of this university pursuant to Sub-section (3), there shall be no change in their salary, facilities and terms and conditions of service to the detriment of their interests.

22. **Chancellor:** (1) The Prime Minister shall be the Chancellor of the University.

(2) The Chancellor shall be the chief of the University and if he/she is present, he/she shall preside over in the convocation of the university.

(3) The Chancellor may inspect or cause to inspect any subject or any thing relating to the University.

23. **Pro-Chancellor :** (1) The Minister or the Minister of State for Education shall be the Pro-Chancellor of the University.

(2) In absence of the Chancellor, the Pro-Chancellor shall preside over the convocation of the university.

(3) The Pro-Chancellor may inspect the University and give directions as required.

24. **Vice Chancellor:** (1) The Vice-Chancellor shall be the chief official working for full-time at the University.

(2) In order to recommend for appointment to the post of Vice-Chancellor, a committee consisting of two members of the Senate shall be constituted by the Chancellor under Chairpersonship of the Pro-Chancellor and the Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the committee.

(3) The term of office of the Vice-Chancellor shall be of four years.

(4) In absence of the Vice-Chancellor, his/her functions shall be carried out as provided for by the Chancellor.

(5) The remuneration, facilities and conditions of service of the Vice-Chancellor shall be as prescribed.

25. **Functions, Duties and Powers of the Vice-Chancellor:** (1) The functions, duties and powers of the Vice-Chancellor shall be as follows: –

- (a) To direct and supervise all functions and activities of the University.
- (b) To introduce or cause to introduce resolutions relating to all matters to be introduced in the Senate.
- (c) To preside over convocation ceremony of the University in absence of the Chancellor or Pro-Chancellor.
- (d) To prepare or cause to prepare short term and long term programmes for development of the university.
- (e) To have discussion, negotiations with various bodies on behalf of the university.
- (f) To formulate various plans and programmes and to introduce before the Senate subject to the approved policies of the university.

(2) Except as provided for in Sub-section (1), the Vice-Chancellor shall carry out the functions other than there which are said to be carried out by any agency or official under this Act or Rules framed thereunder. The Vice-Chancellor shall immediately inform to the Chancellor about such functions and shall be approved by the meeting of the Senate to be held immediately thereafter.

(3) Except as provided in Sub-sections (1) and (2), other functions duties and powers of the Vice-Chancellor shall be as prescribed.

26. **Registrar:** (1) The Registrar shall be the official working for the full time at the University.

(2) The Registrar of the University shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor.

(3) The term of office of the Registrar shall be of four years.

(4) Academic, financial and personnel administration of the University shall be under general supervision of the Registrar.

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

(6) Remuneration, facilities and conditions of service of the Registrar shall be as prescribed.

27. **Dean:** (1) The Dean shall be the chief officer working for full time at Faculty.

(2) The Dean shall be appointed by the Executive Council.

(3) The term of office of the Dean shall be of four years.

(4) The functions, duties and powers of the Dean shall be as prescribed.

(5) Remuneration, facilities and conditions of service of the Dean shall be as prescribed.

28. **Other Officials of University:** (1) There shall be campus chiefs and chief of Curriculum Development Center and such other officials at the University as prescribed.

(2) The appointment, functions, duties, powers, remuneration, facilities and conditions of service of campus chiefs and chief of Curriculum Development Center and other officials shall be as prescribed.

- ◇28A. **Time for Appointment:** Notwithstanding anything contained in this Act, the concerned Authority shall appoint in the vacant post of the University within three months of such vacancy.
- ◇28B. **Responsibility to be fixed:** Notwithstanding anything contained in this Act, if a post is vacant in the University, Chancellor, in case of Vice-chancellor, in consultation of the Pro-chancellor and Vice-chancellor in case of any other Authority, shall designate any of the senior (most) Professor to that post to conduct daily business for a period of three months till the date of fulfillment of the vacant post.
29. **Fund of the University:** (1) there shall be a separate fund of the University and the fund shall consist of the following amounts:
- (a) Grants received from Government of Nepal,
 - (b) The amount given by any person or organization as donation, charity and financial assistance,
 - (c) The amount received as assistance or loan from foreign government, international organizations, associations, financial institutions or persons,
 - (d) Fees or the amount to be received from any other source.
- (2) While receiving any amount pursuant to Sub-section (c) of Sub-section (1), the University shall have to obtain approval of Government of Nepal.
- (3) The amount of the fund of the University shall be deposited in an account opened with the prescribed bank.
- (4) The operation account of the University shall be as prescribed.
30. **Accounts and Auditing:** (1) The accounts of incomes and expenditures of the University shall be kept in accordance with the prevailing laws.

◇ Inserted by Some Nepal Acts Amendment Act, 2064

(2) The auditing of the accounts of the University shall be carried out by the office of the Auditor General.

31. **Conferring the Degree and Certificate and Fixation of Equivalency and Standards:** (1) The University may confer certificate as may be prescribed to the students, trainees or researchers having obtained higher education as prescribed.

(2) The university may confer honorary degrees to the persons carrying out research oriented activities and appreciable work in the educational and academic field.

(3) The University may confer honorary degrees to the eminent native or foreign citizens.

(4) The University may recognize the educational degrees of any native or foreign University or of educational institution, and may fix the equivalency and standard of various degrees of the University with those degrees.

(5) The honor referred to in Sub-sections (2) and (3) shall be conferred on the approval of the Senate.

32. **Qualification Required for Admission to the University:** The qualification required for admission to the University shall be as prescribed.

33. **To Act in Accordance with National Education Policy:** It shall be the duty of the University to act in accordance with the National Education Policy approved by Government of Nepal.

34. **Actions not to be invalid:** No act or action shall be invalid merely for the reason that an error has been made to appoint or nominate any office bearer or member in any of such vacant posts of the University.

35. **Saving for Acts Done in Good faith:** No case shall be initiated or no any other actions may be taken against the University or any of its official

with regard to any act done or purported to be done in good faith in accordance with Act or Rules framed thereunder.

36. **Discount and Facilities to University:** (1) Notwithstanding anything contained in the prevailing law, no registration fee shall be levied while registering any deed of the University to be registered.

(2).....^x

37. **Annual Report:** Annual Report of the University shall be introduced in the Senate within the prescribed time.

38. **Delegation of Power:** (1) The Senate may delegate any or all of the powers conferred on it under this Act or the Rules framed hereunder to the Executive Council or Vice-Chancellor.

(2) Executive Council, may delegate any of the powers conferred on it under this Act or the Rules framed hereunder, to any official or any committee of the University.

(3) The Academic Council may delegate any of the powers conferred on it under this Act or the Rules framed thereunder to the Education Council as may be prescribed.

(4) The Service Commission may delegate some of the powers entrusted to it under this Act or the Rules frame under this Act to any committee of the University as may be necessary.

39. **Liaison with Government of Nepal:** Ministry of Education shall liaison the University with the Government of Nepal.

40. **Consequence of Dissolution:** In the event of dissolution of the University, its movable and immovable properties shall devolve on Government of Nepal.

^x Repealed by the Income Tax Act, 2058.
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- ◇ 33A. **Approval to be obtained**: Notwithstanding anything contained in this Act, approval of the Government of Nepal shall be taken while framing Rules or performing any act in case such matter causes additional financial burden to the Government of Nepal.
41. **Power to Frame Rules** : For the implementation of the objectives of this Act, the University may frame necessary Rules.

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