

Education Act, 2028 (1971)

Date of Authentication and Publication

2028/5/24 (9 Aug. 1971)

Amending Acts:

1. Education (First Amendment) Act, 2033 (1976) 2033/7/4
(20 Oct. 1976)
2. Education (Second Amendment) Act, 2036 (1979) 2036/8/5
(21 Nov. 1979)
3. Education (Third Amendment) Act, 2037 (1980) 2037/5/26
(11 Sept. 1980)
4. Some Nepal Act Amendments Act, 2041 (1984) 2041/7/27
(12 Nov. 1984)
5. Judicial Administration Reform
(Fourth Amendment) Act, 2043 (1986) 2043/7/24
(10 Nov. 1986)
6. Education (Fourth Amendment) Act, 2045 (1988) 2045/7/10
(26 Oct. 1988)
7. Education (Fifth Amendment) Act, 2049 (1992) 2049/7/13
(29 Oct. 1992)
8. Education (Sixth Amendment) Act, 2055 (1998) 2055/10/1

- (15 Jan. 1999)
9. Education (Seventh Amendment) Act, 2058 (2001) 2058-10-25
(7 Feb. 2002)
10. Education and Sports Related some Nepal Acts
Amendment Act, 2063 (2006) 2063-9-14
(29 Dec. 2006)
11. Republic Strengthening and Some Nepal Law
Amendment Act, 2066 2066.10.7
(21 Jan. 2010)

Act No. 8 of the Year 2028 (1971)

**An Act Made to Provide for Education to be Given in the Schools
According to the National Education System Plan**

¹Preamble: Whereas, it is expedient to promote quality education through improvements in the management of existing and future schools all over Nepal in order to prepare human resource for national development and to maintain good conduct, decency and morality of the people in general in consonance with multi-party democratic system,.

Now, therefore, be it enacted by His Majesty King Mahendra Bir Bikram Shah Dev upon the advice and consent of the *Rastriya Panchayat*.

1. Short title, extent and commencement: (1) This Act may be called "Education Act, 2028 (1971).

(2) This Act shall come into force throughout Nepal.

¹ Amended by the Fifth Amendment.

(3) This Act shall come into force at such area and on such date as appointed by Government of Nepal may, by a Notification in the Nepal Gazette.Φ

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

²(a) "Pre-Primary School" means those schools that provide One year's pre-primary education to those children that have completed Four years of their age.

³(b) "Primary Education" means education given from class One to class Five.

⁴(b1) "Lower Secondary Education" means education to be given from class Six to class Eight.

⁵(c)

Φ Government of Nepal has implemented this Act to the following district on the following dates:

Dates

2028/7/15 (1 Nov. 1971)

2029/6/15 (1 Oct. 1972)

2030/7/1 (17 Oct. 1973)

2031/6/21 (7 Oct. 1974)

Kapalbastu.

2032/6/20 (6 Oct. 1975)

Enacted districts:

Chitwan, Kaski

Dang, Banke, Baglung, Rupandehi, Dhanusha, Kavrepalanchok, Saptari, Dhankuta, Morang, Jhapa, Jumla, Kailali, Kanchanpur.

Ilam, Panchthar, Terathum, Sankhuwasabha, Sunsari, Sindhupalchowk, Kathmandu, Bhaktapur, Lalitpur, Gorkha, Manang, Lamjung, Tanahu, Syangja, Surkhet.

Solukhumbu, Okhaldhunga, Khotang, Bhojpur, Udayapur, Siraha, Dolkha, Ramechhap, Sindhuli, Sarlahi, Mahottari, Nuwakot, Mustang, Myagdi, Parbat, Gulmi, Arghakanchi, Palpa, Nawalparasi,

Darchula, Baitadi, Daduldhara, Bajhang, Bajura, Achham, Bara, Parsa, Rautahat, Makwanpur, Rasuwa, Dhading, Dolpa, Pyuthan, Salyan, Rukum, Rolpa, Tibrikot, Mugu, Humla, Bardiya, Dailakh, Jajarkot, Doti.

2 Amended by the Seventh Amendment.

3 Amended by the Fourth Amendment.

4 Inserted by the Fifth Amendment.

5 Deleted by the Fourth Amendment.

⁶(d) "Secondary Education" means education to be given from class Nine to class Ten.

⁷(d1) "Special education" means special type of education to be given to blind, deaf dumb or the children who are physically or mentally disable.

⁸(d2) "Community School" means those schools that have obtained approval or permission and receiving regular grant from Government of Nepal.

⁹(d3) "Institutional School" means those schools that have obtained approval or permission for operation on condition that they are not receiving regular grants from Government of Nepal.

¹⁰(d4) "Higher secondary education" means education given from class Eleven to class Twelve.

¹¹(e) "School" means the Community School or Institutional School.

¹²(e1) "Primary School" means a School giving education pursuant to Clause (b).

¹³(e2) "Lower Secondary School" means a School giving education pursuant to Clauses (b) and (b1) or Clause (b1).

¹⁴(e3) "Secondary School" means a School giving education pursuant Clauses (b), (b1) and (d) or Clauses (b1) and (d) or Clause (d).

⁶ Amended by the Fifth Amendment.

⁷ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063

⁸ Inserted by the Seventh Amendment.

⁹ Inserted by the Seventh Amendment.

¹⁰ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

¹¹ Amended by the Seventh Amendment.

¹² Inserted by the Fifth Amendment

¹³ Inserted by the Fifth Amendment

¹⁴ Inserted by the Fifth Amendment

- ¹⁵(e4) "Higher Secondary School" means a School imparting education pursuant to Clause (d4).
- (f) "Teacher" means a teacher of a School and this term also includes the Headmaster.
- ¹⁶(f1) "Commission" means ¹⁷..... Teacher Service Commission constituted pursuant to Section 11B.
- ¹⁸(f2) "Secretariat" means Secretariat of the Commission.
- ¹⁹(f3) "Chairperson" means Chairperson of the Commission.
- ²⁰(f4) "Member" means member of the Commission and this term also includes Chairperson of the Commission.
- ²¹(f5) "Guardians (Parents)" means those persons who are mentioned as the guardians of the children at school records.
- ²²(f6) "Employee " means any employee working in community school except the teacher.
- (g) "School Leaving Certificate Examination" means the examination to be held at the end of secondary education.
- ²³(g1) "Primary School Leaving Examination" means examination to be conducted at the end of Primary education.

¹⁵ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

¹⁶ Inserted by the Sixth Amendment.

¹⁷ Deleted by the Seventh Amendment.

¹⁸ Inserted by the Sixth Amendment.

¹⁹ Inserted by the Sixth Amendment.

²⁰ Inserted by the Sixth Amendment.

²¹ Inserted by the Seventh Amendment.

²² Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

²³ Inserted by the Fourth Amendment.

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

²⁴(i) "License" means temporary approval, pending the permanent approval or grant of assistance by Government of Nepal to open a School or add the classes at any prescribed place or area.

²⁵(j) "Approval" means the permanent approval given by Government of Nepal to any School which fulfilled the conditions as prescribed.

²⁶(k) "Residential School" means a School approved by Government of Nepal as a Residential School.

²⁷(l) "Educational Trust" means the ²⁸public or private trust established by a person without any of profit in order to run the school.

²⁹3. **Permission should be obtained to open the school:** (1) If anyone, except Government of Nepal, intends to open a school, he/she shall submit an application to Government of Nepal or the prescribed official with prescribed details and a recommendation letter of the concerned District Education Office. While submitting an application he/she shall mention whether the school is to be operated as a Company or an Educational Trust.

(2) If an application is received pursuant to Sub-clause (1), Government of Nepal or prescribed official shall make necessary

²⁴ Inserted by the Second Amendment

²⁵ Inserted by the Second Amendment

²⁶ Inserted by the Second Amendment

²⁷ Amended by the Seventh Amendment.

²⁸ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

²⁹ Amended by Seventh Amendment.

investigation, and if it is found reasonable, permission to open the school shall be provided with conditions as prescribed to be fulfilled.

(3) If, it is found that the School has fulfilled the conditions as prescribed, Government of Nepal or prescribed official shall provide approval to the school who had obtained permission pursuant to Sub-clause (2).

³⁰(4) A school, running as an institutional school before 2058 *Magha 25* if not registered as a company or an educational trust or not submitted an application for such registration, shall submit an application before the prescribed authority upon mentioning the particulars as prescribed within a period of One year from the date of commencement of this Sub-section stating whether the school to be conducted as a company or an educational trust.

(5) If an application is received pursuant to Sub-clause (4), the prescribed official shall make necessary investigation on the application and if the request of the school is found reasonable the requesting shall be given approval to run the school.

(6) Notwithstanding anything contained in Sub-sections (2), (3) or (5), the following schools shall not be provided permission or approval to run as a Company:

- (a) A School running in the Government or public buildings,
- (b) A School running in the building is constructed on the Government or public land,

³⁰ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063

- (c) A School running in the building or land donated by an individual or an organization to the school, or by constructing a building on the donated land.

(7) Notwithstanding anything contained in Sub-sections (2), (3) and (5), the concerned Village Development Committee or the Municipality shall provide permission or approval to open Pre-primary Schools which is to be run by its own resources.

³¹(7a) if a school, which is running in a form of company pursuant to this Act, intends to be conducted under educational trust, shall produce an application before the prescribed authority upon mentioning the particulars as specified after liquidating the company in accordance with prevailing law.

³²(7b) While making an inquiry in to an application submitted pursuant to Sub-section (7a) if it is found reasonable to be conducted the concerned school under educational trust as per the request of the applicant, the prescribed authority shall give approval to run such school under the educational trust.

³³(7c) Notwithstanding anything contained in this Act or prevailing law, while operating a school under educational trust it shall be followed as in the following matters;-

- (a) The trustees of an educational trust must be in a form of corporate body;
- (b) While running an educational trust, there shall be at least Five members in public trust and there shall

³¹ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

³² Inserted b y the Education and Sports Related some Nepal Acts Amendment Act, 2063

³³ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

be at least Three members in case of a private trust in the board of trustees,

- (c) The account of income and expenditure of an educational trust shall be maintained in a prescribed format and such an account shall be audited by a recognised auditor.
- (d) A sitting trustee of an educational trust may specify his/her successor to act as a trustee during his/her own life time or after his/her death.

Provided that, while specifying a successor in the case of a public educational trust the approval of the Ministry of Education and Sport is a must.

³⁴(7d) If a social, charitable or welfare institution intends to run a school without keeping an object of profit may run a school under public educational trust upon receiving approval of the prescribed authority.

³⁵(7e) The subjects to be taught, the conditions to be followed by a school running pursuant to Sub-section (7d) and other provisions relating to such school shall be as prescribed.

(8) Notwithstanding anything contained in Sub-sections (1), (2), and (3), permission shall not be provided to anyone to establish a school affiliated to any foreign educational institution.

Provided that, if an agreement has been concluded with Government of Nepal to open a school in affiliation with a foreign

³⁴ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

³⁵ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

educational institution or diplomatic agency has made recommendation thereof, Government of Nepal shall provide permission or approval to run school upon specifying the conditions. An application may directly be submitted to Government of Nepal to open such school.

(9) If, the school received permission or approval pursuant to Sub-section (8) is not operated as per the condition, Government of Nepal may close down such school.

(10) Other provisions of this Act shall not be applicable to the school received permission or approval pursuant to Sub-section (8).

4. **Operation of the School:** The operation of a School shall be as prescribed.

365. **Conduction and Control of Examination:** The conduction and control of Primary School Leaving Examination, ³⁷Lower Secondary Leaving Examination and School Leaving Certificate Examination shall be as prescribed.

6. **Types of Secondary Education:** Types of Secondary education shall be as follows:

(a) General Secondary Education

³⁸(b)

(c) Sanskrit Secondary Education.

³⁹**6A. Operation of Special Education, Informal Education, and Distance Education and other provisions:** (1) The operation of Special Education shall be as good as General Education.

³⁶ Amended by the Fourth Amendment.

³⁷ Inserted by the Fifth Amendment.

³⁸ Deleted by the Fourth Amendment.

⁴⁰(2) The terms, conditions of service and the provision of the staff members and teachers working at present or to be appointed to run special education shall be as prescribed.

(3) The operation of informal education and distance education shall be as prescribed.

417. **Medium of Language:** (1) The medium of education in a school shall be Nepali language, English language or both languages.

(2) Notwithstanding anything contained in Sub-section (1) the medium of education in a school may be as follows in following conditions:

- (a) The education up to primary level may be imparted in the mother tongue.
- (b) A non- citizen of Nepal, while studying at a school in Nepal, may study any other language subject instead of Nepali subject.
- (c) While teaching a language subject in a school the medium of education may be the same language.
- (d) While teaching a compulsory subject of English language, the medium of education shall be English.

8. **Curriculum and Textbook of the School:** The School shall be required to implement the curriculum and text-book as approved by Government of Nepal.

³⁹ Inserted by the Seventh Amendment

⁴⁰ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063

⁴¹ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063

428A. Department of Education: (1) There shall be Department of Education under the Ministry of Education and Sports.

(2) There shall be Director General as the chief in the Department of Education pursuant to Sub-section (1).

(3) The functions, duties, and rights of the Director General shall be as prescribed.

439. Regional Education Directorate: (1) Government of Nepal may establish Regional Education Directorate in each development region.

(2) A Regional Education Director shall be the Chief of the ⁴⁴directorate to be established pursuant to Sub-section (1).

(3) The functions, duties and powers of the Regional Education Director shall be as prescribed.

4510. District Education Office: (1) Government of Nepal may establish District Education Office in each district.

(2) District Education Officer shall be the Chief of the Office to be established pursuant to Sub-section (1).

(3) The functions, duties and powers of the District Education Officer shall be as prescribed.

4611. The formation of District Education Committee: (1) The District Education Committee shall be constituted in each district to supervise and manage the schools within the district.

⁴² Inserted by the Seventh Amendment.

⁴³ Amended by the Fourth Amendment.

⁴⁴ Amended by the Fifth Amendment.

⁴⁵ Amended by the Fourth Amendment.

⁴⁶ Amended by the Seventh Amendment.

(2) There shall be following members in the District Education Committee pursuant to Sub-section (1):

- (a) President of the District Development Committee or the person authorized to perform the duties of the President -Chairperson
- ⁴⁷(b) Chief District Officer - Member
- (c) Secretary to the District Development Committee - Member
- (c1) ⁴⁸.....
- (d) Four teachers nominated by the District Education Committee including ⁴⁹Two women from amongst representing from the Higher Secondary Schools, Secondary Schools, and Primary Schools of the District, with at least Ten years' experience of working with the concerned school - Member
- (e) One person from amongst the chairpersons of the Community School Management Committee of the district nominated by the District Education Committee - Member

⁴⁷ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063

⁴⁸ Deleted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

⁴⁹ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063

- (f) One person from amongst the Chairpersons of the Institutional School Management Committee of the district nominated by District education Officer - Member
- (g) One person from amongst the Chairpersons of Village Education Committee nominated by District Education Committee
- (h) President of the District Level Teachers' Union - Member
- (i) District Education Officer -Member Secretary

(3) The tenure of office of the Members nominated pursuant to Sub-section (2) shall be Two years. If the nominated member did not fulfill the conduct as required by the post, the nominating official may remove him/her from the post, at any time.

Provided that, one shall be given a reasonable opportunity to defend before removing from the post.

(4) ⁵⁰.....

(5) The functions, duties and powers of the District Education Committee will be as follow:

- (a) To formulate district level education plans,
- ⁵¹(a1) To recommend to Higher Secondary Education Board to provide affiliation to run a Higher Secondary School,

- (b) To encourage the Village Development Committee and Municipality to provide financial assistance to the Community Schools,
- (c) To assist in conducting the examinations in the district in a dignified and fair manner,
- (d) To manage for accumulating resources for the development of quality education in the district,
- (e) To fix the remuneration for the auditor of the Community School,
- (f) To distribute and adjust the teachers' positions available among the Community Schools of the district, on the basis of the number of the students of the Primary School; and on the basis of the number of the students and subject load of the Lower Secondary and Secondary Schools in accordance of the policy of Government of Nepal,
- (g) To provide instructions to the School Management Committee as required.

(6) Other functions, duties, powers and procedures of meetings of the District Education Committee shall be as prescribed.

⁵²**11A. District Education Committee May be Dissolved:** (1) In case, the District Education Committee of any district fails to fulfill the responsibilities as prescribed, such District Education Committee may be dissolved by Government of Nepal.

⁵⁰ Deleted by the Republic Strengthening and Some Nepal Laws Amendment Acts, 2066.

⁵¹ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

⁵² Inserted by the Third Amendment.

(2) After the dissolution of a District Education Committee pursuant to Sub-section (1), Government of Nepal may constitute a temporary Committee to perform the functions of the District Education Committee until the constitution of another District Education Committee.

⁵³**11B. Constitution of the Commission:** ⁵⁴(1) A Teacher Service Commission shall be constituted to appoint teachers in the vacant positions in accordance with the positions approved by Government of Nepal for the Community Schools and to recommend the promotion of such teachers as appointed in such post.

⁵⁵Provided that, the appointment and promotion of teachers in a community school which is handled by a local body or management committee pursuant to Section 11M. shall be as prescribed.

⁵⁶(2) The Commission shall have other Two members along with the President.

⁵⁷(3) In order to recommend for the appointment of the members pursuant to Sub-section (2), Government of Nepal shall constitute a committee under the Chairpersonship of the Chairperson of the Public Service Commission consisting the Vice-chancellor of Tribhuvan University and the Secretary at the Ministry of Education and Sports as a member, and Government of Nepal shall appoint the person recommended by the Committee as a member.

⁵³ Amended by the Sixth Amendment.

⁵⁴ Amended by the Seventh Amendment.

⁵⁵ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁵⁶ Amended by the Seventh Amendment.

⁵⁷ Amended by the Seventh Amendment.

(4) The tenure of Office of members appointed ⁵⁸..... pursuant to Sub-section (2) shall be Five years and he/she may be re-appointed.

⁵⁹(4a) The senior official of the Commission shall function as the secretary of the Commission.

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

(6) Other conditions of service of members shall be as prescribed.

(7) Remuneration and facilities of the members shall be as prescribed by Government of Nepal, by a Notification in the Nepal Gazette.

⁶⁰**11C. Qualification for Member:** (1) The following qualifications shall be required to be appointed as a member:

- (a) Nepalese citizen,
- (b) Obtained Masters' degree from the University recognized by Government of Nepal,
- (c) Should not have to be a member of any Political Party from at least Two years before the appointment,
- (d) Completion of the age of Forty years,
- ⁶¹(e) At least Five years' service in special class of Government of Nepal for the Chairperson and at

⁵⁸ Deleted by the Seventh Amendment.

⁵⁹ Inserted by the Seventh Amendment

⁶⁰ Inserted by the Sixth Amendment.

⁶¹ Amended by the Seventh Amendment

least Fifteen years' of experience in the field of Law, Education or Administration for a member.

⁶²**11D. Member not to be Maintained:** (1) The post of member shall be deemed vacant in the following circumstances:

- (a) If the tenure pursuant to Sub-section (4) of Section 11B expires,
- (b) If he/she has completes the age of Sixty Five years,
- (c) If the resignation in writing tendered by him/her is accepted by Government of Nepal,
- (d) If he/she dies.

(2) Notwithstanding anything contained in Sub-section (4) of Section 11B., if someone files a complaint referring that a member is incompetent or has not act as required by his/her duty or has a bad conduct, Government of Nepal may, constitute a Committee to make investigation on such complaint; and Government of Nepal may remove such member it is so proved.

Provided that, one shall be given a reasonable opportunity to defend before removing from the post.

⁶³**11E. Provision Relating to Secretariat and Employee:** (1) There shall be a separate Secretariat of the Commission and such Secretariat shall be located in Kathmandu Valley.

(2) Government of Nepal shall designate at least Gazetted First Class Officer of Government of Nepal to carry out the function as a Administrative Chief of the Secretariat.

⁶² Inserted by the Sixth Amendment.

⁶³ Inserted by the Sixth Amendment.

(3) Other necessary employees of the Secretariat shall be arranged by the Ministry of Education.

⁶⁴**11F. Procedures to be Followed for Recommendation:** (1) The procedures to be followed for the recommendation to permanent appointment of teachers by the Commission shall be as follows:

- (a) To collect the details of number of teachers to be fulfilled according to the level of School from the concerned District Education Office while fulfilling the vacant post of teachers permanently as per the approved position in the Schools of the district,
- (b) To publish advertisement for recruitment through open competition upon mentioning the number of posts, and receive application from the candidates who deserve the prescribed qualifications for the given post,

⁶⁵Provided that, while determining the number of post for such open competition the commission may make necessary arrangements in such a manner that Fifty percent posts, only the following person, in maximum, shall be eligible to be a candidate in the first vacancy announcement (advertisement) made by the commission after 21 *Shrawan* 2061 B.S.:

- (1) A person who has served for at least One year in the capacity of a temporary teacher among the

⁶⁴ Inserted by the Sixth Amendment.

⁶⁵ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063

persons who have been removed from the post of temporary teacher after the appointment of permanent teacher in such post as per the advertisement published in the year of 2052 B. S.

- (2) A person who has been appointed in the post of teacher at community school before 25 Magha 2058 B.S. and serving continuously since then.
- (c) To select suitable candidate as follows upon making an inquiry of the applications received pursuant to Clause (b):
- (1) Open competitive written examination,
 - (2) Interview,
 - (3) Practical examination.

Provided that, practical examination shall be taken only in such situation as deemed appropriate and necessary by the Commission.

- ⁶⁶(d) To publish advertisement every year for the vacant post and to recommend for appointment or promotion within a period of Six months of such advertisement.

⁶⁷(1a) Notwithstanding anything contained in Clause (b) of Sub-section (1), the commission shall make arrangement of open competition

⁶⁶ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

as prescribed in such a manner that even the temporary teachers, who have been serving continuously on the commencement of this Sub-section and who have been appointed till 10 *Baisakh* 2063 B.S. in a seat approved by the Government of Nepal for community school or appointed as a temporary teacher on the lean post of the approved ceiling may be eligible to be a candidate in the first advertisement (vacancy announcement) to be published after the commencement of this Sub-section. In the case of temporary teachers no age bar shall be applied for the first time.

⁶⁸(1b) Notwithstanding anything contained in the Clause (b) of Sub-section (1), the commission, except as provided in Sub-section (1a), may provide the arrangement for an open competition as prescribed in such a manner that on the commencement of this Sub-section who has been working as a temporary teacher under basic and primary education project and also the person who has been removed from the post of a teacher while fulfilling the vacant post of a permanent teacher as per the advertisement of the years of 2052 B.S. and 2061/062 B.S., may be eligible to be a candidate in such a competition. In the case of a temporary teacher no age bar shall be applied for the first time.

⁶⁹(1c) The Government of Nepal may provide facility as prescribed to those teachers who had served for more than Five years as a temporary teacher from among who could not be a permanent teacher through a competition made pursuant to the Sub-section (1a) and (1b).

(2) The Commission shall follow the prescribed procedures while recommending for the promotion of a teacher.

⁶⁷ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁶⁸ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁶⁹ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁷⁰**11G. Committee may be Constituted:** (1) The Commission may constitute Committees in central and regional level as per necessity for the smooth operation of functions and proceedings to be carried out by it. The members of such Committees shall be from amongst the educationist and the persons actively involved in the education sector who are not members of any political party from at least One year before the appointment.

(2) The functions, duties, powers and proceedings of the Committees constituted pursuant to Sub-section (1) shall be as prescribed by the Commission.

⁷¹**11H. Delegation of Powers:** The Commission may, as per necessity, delegate any of the powers conferred on it by this Act to the Chairperson, member, the Committee pursuant to Section 11G. or ⁷²any officer employee.

⁷³**11I. Deemed to have done by the Commission:** The functions and proceedings carried out by the District Teachers Selection Committee and Regional Teachers Selection Committee prior to the commencement of this Act shall be considered as carried out by the Commission.

⁷⁴**11J. Submission of Annual Report:** The Commission shall submit its annual progress report upon mentioning the functions and proceedings carried out by it to the Government of Nepal, within Three months of the expiry of every fiscal year.

⁷⁵**11K. Village Education Committee:** (1) The Village Education Committee shall be constituted in each Village Development Committee to

⁷⁰ Inserted by the Sixth Amendment.

⁷¹ Inserted by the Sixth Amendment.

⁷² Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁷³ Inserted by the Sixth Amendment.

⁷⁴ Inserted by the Sixth Amendment.

supervise and manage the school to be run and to establish coordination among the various schools within the area of the Village Development Committee upon consisting of the following Members:-

- (a) The President of the Village Development Committee or the person authorized to act as a President. -Chairperson
- (b) One person nominated by the District Education Committee from amongst the Chairperson of the School Management Committees of the schools running within the Village Development Committee area. -Member
- (c) Two persons, including One woman, from amongst the social workers or educationists nominated by Village Education Committee -Member
- (d) School supervisor from the concerned area -Member
- (e) The member of the District Development Committee of the area where the school is located -Member
- (f) A Headmaster from the excellent school as evaluated by Village Education Committee among the Community Schools operated within the Village Development Committee area. -Member-Secretary

(2) The tenure of the Members nominated pursuant to Sub-section (1) shall be Two years. If it is found that the nominated member did not maintained the conduct required to his/her post, the nominating official may remove him/her from his/her post at any time.

Provided that, one shall be given a reasonable opportunity to defend before removing from the post.

(3) Other functions, powers, duties of the Village Education Committee and the other procedures of meetings shall be as prescribed.

⁷⁶ **11L. Mobile Schools may be operated:** Government of Nepal may operate Mobile Schools in the remote mountainous (Himalayan) regions as prescribed.

⁷⁷ **11M. Teaching License to be obtained:** (1) After the commencement of this Act, no one shall be the candidate for the post of a teacher without obtaining teaching license from the Commission.

(2) The Commission may conduct examination as prescribed for the purpose of providing Teaching License through the public notice.

(3) The Commission shall provide Teaching License to those candidates who have passed the examination conducted pursuant to Sub-section (2).

(4) The Commission shall provide temporary Teaching License to the working teachers within Six months of the commencement of this Act.

(5) The teachers who have obtained temporary Teaching License pursuant to Sub-section (4) shall have to obtain permanent license from the Commission within Five years.

⁷⁶ Inserted by the Seventh Amendment.

(6) The temporary teachers who fail to obtain permanent Teaching License within the period as referred to in Sub-section (5) shall automatically be terminated and the permanent teachers shall be terminated as prescribed.

⁷⁸(6a) Notwithstanding anything contained elsewhere in this Section, in a condition where teaching license holder persons are not available in the subject of Science, Mathematics and English and due to this reason if teaching activities have not been conducted in the schools of remote areas, or temporary teachers who have not taken teaching license, the commission may conduct separate examination for them as prescribed for the purpose of giving a chance of participation in a competition to be held as per the first advertisement after the commencement of this Sub-section; and provide temporary teaching license.

⁷⁹(6b) Among temporary teaching licenses pursuant to Sub-section (6a), the duration of teaching license which is issued to teach in remote areas shall be for Two years and the duration of a teaching license which is issued to participate in the competition shall be for One year.

(7) Other provisions regarding the Teaching License shall be as prescribed.

⁸⁰**11N. Grant shall not be curtailed:** The amount of grant being provided by Government of Nepal to the Community Schools at the commencement of this Act shall not be curtailed.

⁷⁷ Inserted by the Seventh Amendment.

⁷⁸ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁷⁹ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁸⁰ Inserted by the Seventh Amendment.

⁸¹Provided that, the amount of grant being provided to a school may be reduced as prescribed if the school has been unable to maintain academic standards as prescribed.

⁸²**11O. Provisions for scholarship may be made:** Government of Nepal may arrange scholarship as prescribed to the students enrolled at Lower Secondary Education and Secondary Education.

⁸³**11P. Grants may be provided to the Child Development Centre:** Government of Nepal may provide grants as prescribed to the Child Development Centre established in co-operation with Village Development Committee or Municipality.

⁸⁴**11Q. Management of a school may be handled:** (1) If a local body or management committee intends to handle the management of a community school, it shall produce an application before the prescribed authority upon mentioning the matters as prescribed.

(2) While making an inquiry in to the application received pursuant to Sub-section (1), if it is found that such local body or management committee has fulfilled the prescribed conditions, the prescribed authority may handover the management of such community school to the applicant.

(3) The terms and conditions of service and facilities of the teachers, who have been appointed in the post approved by the Government of Nepal and have been working in a school whose management is handled by local body or management committee pursuant to Sub-section (2), shall be as good as the teachers of other community schools and the Government of Nepal shall provide amount

⁸¹ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁸² Inserted by the Seventh Amendment.

⁸³ Inserted by the Seventh Amendment.

⁸⁴ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

for salary and allowances of such teachers and the amount which is equal to the amount to be added by a school for provident fund, to a school in a single installment.

(4) The local body or management committee may appoint additional teacher in a school which is handled by it pursuant to Sub-section (2) to be paid by such school.

(5) A teacher appointed pursuant to Sub-section (4) shall be entitled to obtain remuneration and facilities as good as the other teachers of such school.

(6) The Government of Nepal may provide additional seat to a school whose management is handled by local body or management committee pursuant to Sub-section (2) on the basis of necessity of such school.

⁸⁵ **12. School Management Committee:** (1) To operate, supervise and manage every community school; there shall be a School Management Committee consisting of the following members:

- (a) A person selected by the parents from among themselves -Chairperson
- (b) Three persons, including One woman, selected by the parents among themselves -Member
- (c) The Ward President of the concerned Ward of the Village Development Committee or Municipality where the school is - Member

⁸⁵ Amended by the Seventh Amendment

located

- (d) One person nominated by School Management Committee from among local intellectuals or educationists - Member
- (e) One person nominated by School Management Committee from ⁸⁶amongst the founders of the school - Member
- ⁸⁷(e1) One person nominated by School Management Committee from amongst the donors who have provided amount, building or land to the school as prescribed - Member
- (f) One person selected by the concerned school teachers from amongst themselves -Member
- (g) Headmaster of the school Member-secretary

(2) Two members shall be represented from the District Level Federation of Industry and Commerce in the School Management Committees of such Secondary schools where study or training on Technical or vocational Subjects are conducted.

(3) The School Supervisors and the Resource Persons related to the concerned school shall be invited to attend the School Management Committee Meetings as observers.

⁸⁶ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁸⁷ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

(4) There shall be School Management Committee for operation, supervision and management in every Institutional School consisting the following members: -

- (a) One person nominated by the District Education Officer on the recommendation of concerned school from amongst the Founder or the Investor of the school. -Chairperson
- (b) Two persons including a woman nominated by School Management Committee from amongst the parents. - Member
- (c) One person from amongst the local intellectuals or educationists nominated by the Village Development Community or Municipality - Member
- (d) School supervisor of the concerned area - Member
- (e) One person selected by the concerned school teachers from amongst themselves - Member
- (f) The Headmaster of the school - Member-Secretary

(5) The tenure of the office of the President or Members selected or nominated pursuant to Sub-sections (1) and (4) shall be ⁸⁸Three years. If it is found that the nominated chairperson or member did not fulfill the conduct as per his/her post, the nominating guardian, official or body may remove him/her from his/her post at any time.

Provided that, one shall be given a reasonable opportunity to defend before removing from the post.

⁸⁹(5a) Notwithstanding anything contained in Sub-section (4) if it is found necessary to form School Management Committee of any institutional school by the Government of Nepal to which the Government of Nepal has provided building or land or has given any type of assistance, or such school has been conducted for special purpose or conducts special education; the Ministry of Education and Sports upon mentioning the reasons thereof may form a School Management Committee.

(6) The functions, rights, and duties of the School Management Committee for the Community Schools shall be as follows:

- (a) To mobilize the resources and means available for the operation of the school,
- (b) To maintain or cause to maintain the records of the movable and immovable property of the school and protect them,
- (c) To maintain and update the records of the academic, physical and financial data and details of the school,

⁸⁸ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁸⁹ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

- (d) To approve the annual budget of the school and inform the same to the Village Education Committee and District Education Office,
- (e) To prevent from polluting the environment of the school on the grounds of politics, religion, communality in order to maintain the academic environment of the school conducive,
- (f) To assign duties to the teacher deputed by the District Education Office,
- (g) To carry out the annual audit of the school by the auditor appointed by the District Education Office,
- (h) To take necessary action in accordance with the auditor's report and submit such report to the District Education Office,
- (i) To abide by the orders and instructions issued by the District Education Committee and District Education Office,
- ⁹⁰(j) To arrange for the remuneration and facilities of the teachers who have been appointed or promoted by the committee itself,
- (k) To constitute Teacher-Parent Association as specified in order to enhance the academic standards.

(7) The functions, duties and powers of the School Management Committee of the Institutional School shall be as follows:

⁹⁰ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

- (a) To mobilize the resources and means available for the operation of the school,
 - (b) To make arrangement for the essential physical facilities for the school,
 - (c) To protect and safeguard the movable and immovable property of the school,
 - (d) To maintain conducive educational environment in the school,
 - (e) To implement the curriculum and the textbooks compulsorily as approved by Government of Nepal and obtain approval from the Curriculum Development Center if other supplementary textbooks are regarded essential,
 - (f) To appoint those candidates to the post of the teacher who have obtained License from the Commission and who are eligible for the post as per the prevailing law to the post of a teacher,
- ⁹¹(f1) To start with the process relating to permanent fulfillment within a period of Six months from the date of the commencement of this Clause for the purpose of providing chance to be a permanent teacher to those teachers who have been appointed as temporary teachers before the commencement of this Clause and to start with such process for those teachers within a period of Six months from the

⁹¹ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

date of being appointed as a temporary teacher after the commencement of this Clause,

- (g) To provide salary to the teacher not less than the scale fixed by Government of Nepal,
- (h) To take disciplinary action to the teachers,
- (h) To abide directions issued by Government of Nepal.

⁹²(7a) There shall be a School Management Committee as prescribed in a higher secondary school for its operation, supervision and management.

⁹³(7b) The functions, duties and powers of a School Management Committee formed pursuant to Sub-section (7a) shall be as prescribed.

(8) Other functions, powers, and duties and the procedures of meetings of a School Management Committee shall be as prescribed.

⁹⁴**12A.School Management Committee may be dissolved:** (1) In a condition where the School Management Committee of any school becomes unable to fulfill its prescribed responsibility the District Education Office may, upon mentioning the reasons thereof, dissolve such school management committee.

Provided that, the School Management Committee shall be given a reasonable opportunity to defend prior to its dissolution.

(2) After the dissolution of the School Management Committee pursuant to Sub-section (1), the District Education Committee may form

⁹² Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁹³ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁹⁴ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

a temporary School Management Committee until a next School Management Committee is formed or owing to any other reason until a School Management Committee is constituted.

⁹⁵ **12B Rural Education Development Fund**: (1) There shall be a Rural Education development Fund in the central level to assist in the development of the Community Schools run in the rural areas and also to enhance their academic standards.

(2) The fund as of Sub-section (1) shall consist of the following amounts:

- (a) The amounts received as grants from Government of Nepal,
- (b) The amount received from the Institutional out of ⁹⁶..... the total annual income of such school as prescribed,
- (c) The amount received as donation,
- (d) The amount received from other sources.

⁹⁷ **12C. The Fund Management Committee**: (1) There shall be a Fund Management Committee in order to operate the Rural Education Development Fund, consisting of the following Members:-

- (a) Secretary, Ministry of Education and Sports - Chairperson
- (b) Representative, Ministry of Finance - Member

⁹⁵ Inserted by the Seventh Amendment.

⁹⁶ Deleted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

⁹⁷ Inserted by the Seventh Amendment.

- (c) Representative, Ministry of Local Development - Member
- (d) Joint-Secretary (Educational Administration Division), Ministry of Education and Sports - Member
- (e) Director General, Department of Education - Member
- (f) Representative, Office of the Financial Comptroller General - Member
- (g) Two persons nominated by the Ministry of Education and Sports from amongst the presidents of the central level organizations of the Institutional Schools - Member
- (h) Head of the School Administration Section of the Ministry of Education and Sports - Member-Secretary

(2) Other functions, duties, powers and procedures of the meetings of the Fund Management Committee instituted pursuant to Sub-section (1) shall be prescribed.

13. District Education Fund: (1) There shall be a District Education Fund in each district, which shall consist of the following amount:

- (a) The grants received from Government of Nepal,

⁹⁸(a1) The amount received as donation from the District Development Committee,

(b) ⁹⁹

(c) The amount received from education tax,

(d) The amount received as donation, and

(e) The amount received from other sources.

(2) The Fund established pursuant to Sub-section (1) shall be operated as prescribed.

¹⁰⁰

¹⁰¹(3) The Fund pursuant to Sub-section (1) shall be audited by the Department of Auditor General.

¹⁰²**13A. Fund of the School:** (1) There shall be a School Fund in each School, which shall consist of the following amounts:

(a) The grants received from Government of Nepal,

¹⁰³(a1) The grants received from District Education Fund,

¹⁰⁴(a2) The grants received from Village Development Committee or Municipality,

(b) The amount to be collected from fees,

(c) The amount received as donation or gift, and

⁹⁸ Amendment by the Fifth Amendment.

⁹⁹ Deleted by the Third Amendment.

¹⁰⁰ Proviso deleted by the Fourth Amendment

¹⁰¹ Inserted by the Third Amendment.

¹⁰² Inserted by the Third Amendment.

¹⁰³ Inserted by the Fourth Amendment.

(d) The amount received from other sources.

(2) The Fund established pursuant to Sub-section (1) shall be operated and audited as prescribed.

¹⁰⁵**14. Government of Nepal May Give Directives:** (1) Government of Nepal may, as per necessity, give directives to the District Education Committee ¹⁰⁶ and School Management Committee.

(2) It shall be the duty of each District Education Committee and ¹⁰⁷... .. School Management Committee to abide by the directives pursuant to Sub-section (1).

15. Power of Government of Nepal to Shift, Merge, Re-name or Close any School: ¹⁰⁸Government of Nepal or the prescribed official may, upon recommendation of the District Education Committee, shift any existing School from one place to another or merge two or more Schools into one School or rename the School or close such School, ¹⁰⁹or open a new School at the prescribed place or area or give permission or approval to operate the School with addition of classes.

¹¹⁰**16. Property of the School:** (1) The assets under the ownership of a Community School shall be considered to be the public property. The amount received through the sale of the property of such Community Schools after the cancellation of permission pursuant to this Act or merging into any other school by Government of Nepal as per the

¹⁰⁴ Amendment by the Fifth Amendment.

¹⁰⁵ Amended by the Fourth Amendment.

¹⁰⁶ Deleted by the Sixth Amendment

¹⁰⁷ Deleted by the Sixth Amendment.

¹⁰⁸ Deleted by the Second Amendment.

¹⁰⁹ Inserted by the Second Amendment.

¹¹⁰ Amended by the Seventh Amendment.

prevailing law, shall be deposited to the concerned District Education Fund if such property is not be used by any other schools.

¹¹¹(2) The property of the institutional school which is being conducted under educational trust, shall be in the name of the same school.

¹¹²(2a) Notwithstanding anything contained in Sub-section (2), the educational trust or a trustee of such trust may transfer the total or partial share of his/her own investment to a successor as prescribed.

¹¹³(2b) In a condition where a school conducting under educational trust, is closed for some reason, out of the property remaining in the name of such school the property of the school conducted under public trust, shall be a public property and the Government of Nepal may bring such property in the use of the work of any community school or educational institution; and in a condition where the property of a school conducted under private trust is not transmitted to any other person pursuant to Sub-section (2a) the then trustee of such trust may transfer such property to a school or educational institution as prescribed.

¹¹⁴(2c) In a condition where the trustee of the private trust does not transmit the property so concerned to any school or educational institution pursuant to Sub-section (2b) or such trust does not have trustee at all, the Government of Nepal may provide the property remaining in the name of such school to any community school, or any educational institution.

111 Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063

112 Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

113 Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

114 Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

(3) The property of the Institutional Schools, run as a Company, shall be in the name of that company.

(4) While receiving any kind of movable or immovable property from a person or organization, the Institutional School shall obtain approval from the concerned District Education Committee.

Provided that, for receiving any kind of movable or immovable property from a foreign person or organization a prior approval of Government of Nepal shall be obtained.

(5) The property received pursuant to Sub-section (4) shall not sold (transacted) without the approval of Government of Nepal.

¹¹⁵ **16A. Exemption and facility to the school:** (1) Notwithstanding anything contained in prevailing law, no registration fees shall be exacted on the registration of any kind of deeds written in the names of Community School, and Institutional Schools operated as an Educational Trust.

(2) Except as provided in Sub-section (1), Government of Nepal may provide exemption in the registration of deeds as prescribed to other schools.

(3) The other exemption and facilities to be provided to the Community Schools and the Institutional Schools operated as Education Trust shall be as prescribed.

¹¹⁶ **16B Cancellation of permission or approval:** If, any Institutional School fails to provide the report pursuant to Sub-sections (4) of Section 3, or conducts against this Act or Rules made thereunder, the prescribed official shall cancel the permission or approval of such school.

¹¹⁵ Amended by the Seventh Amendment.

¹¹⁶ Inserted by the Seventh Amendment.

Provided that, the concerned school shall be given a reasonable opportunity to defend before canceling the permission or approval.

¹¹⁷**16C. Classification of schools:** The classification of school shall be as prescribed.

¹¹⁸**16D. Provision relating to fee:** (1) The education of the Primary level of Community Schools shall be free and Government of Nepal shall provide textbook free of cost to the students enrolled in such schools.

(2) The fees to be charged on the students studying in Lower Secondary and Secondary level at Community Schools shall be as prescribed.

Provided that, a provision of free education in the Community School shall be provided to *Dalits, Janjati* and girl children and other students who are below the poverty line.

(3) Once the school charges admission fees to the students while getting admission in a particular class, the same school shall not collect any kind of fees from the same student while getting readmission to another class.

(4) The school shall not collect any kind of fees from the students to build the physical infrastructure of the school.

¹¹⁹(5) A institutional school shall determine the fees, that is permitted to be collected from its students, only after the approval of the prescribed authority. In the course of giving an approval in respect of the determination of the fees, the prescribed authority shall give

¹¹⁷ Inserted by the Seventh Amendment.

¹¹⁸ Inserted by the Seventh Amendment.

¹¹⁹ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

approval on the basis of the facilities provided by such school to the students.

(6) If, any school collects fees from the students against this Act, the prescribed official shall make arrangement to return such fee to the student from the school.

(7) The prescribed official may fine upto Twenty Five Thousand Rupees to such school which collects fees against this Act.

¹²⁰**16E. Teachers' Union, teachers' conduct and other provisions:** (1)

There shall be a Teachers' Union to promote the professional rights and welfares of the teachers.

(2) The Teachers' Union may be formed in central and district levels.

(3) The election of the Teachers' Union shall be as prescribed.

(4) ¹²¹.....

(5) The teacher shall be removed from his/her post in the following conditions: -

(a) ¹²².....,

(b) If he/she fails to fulfill the duty of the post,

(c) If he/she remains continuously absent in the school for more than Fifteen days without any information,

(d) If it is proved that he/she attends school when drunk,

¹²⁰ Inserted by the Seventh Amendment.

¹²¹ Deleted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

¹²² Deleted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

- (e) If he/she is convicted by a court of a criminal offence involving moral turpitude.

¹²³**16F. Academic qualifications:** The qualifications for a school teacher shall be as prescribed.

¹²⁴**16G. May Rejoin by the order of the Court:** (1) The teacher once dismissed or discharged from the job followed by the departmental action may rejoin the job only by an order or decision of the Court.

(2) The teacher rejoined pursuant to Sub-section (1) shall receive full salary, allowance, increased salary (grade) if any, from the date of dismissal and rejoining.

¹²⁵**16H. Transfer of Teacher:** (1) The teacher who desires a transfer shall fill up a prescribed form and file an application to the concerned District Education Office.

(2) If, an application is received pursuant to Sub-section (1), the ¹²⁶District Education Officer may transfer such teacher if the vacant position and subject matches.

¹²⁷Provided that, while so transferring the approval of the District Education Officer of the place where the applicant is working shall be taken.

(3) Notwithstanding anything contained in Sub-section (2), if such conditions prevail under which the transfer of any teacher becomes unavoidable, the District Education Officer may transfer within the

¹²³ Inserted by the Seventh Amendment.

¹²⁴ Inserted by the Seventh Amendment.

¹²⁵ Inserted by the Seventh Amendment

¹²⁶ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

¹²⁷ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

district, the Regional Education Director may transfer within the region and the Department of Education may transfer within Nepal.

(4) While transferring the teacher pursuant to Sub-section (3), the District Education Officer shall obtain prior approval from the Regional Education Director; the Regional Education Director from the Department of Education and the Department of Education from the Ministry of Education and Sports, and the recommendation of the concerned school.

¹²⁸**16I. Not to be applicable to the Institutional Schools:** Except otherwise provided in this Act, the provisions as referred to in Sections 11J, 15, ¹²⁹Sub-section (5) of Section 16E, 16G, 16H and Sub-section (1) and Clauses (a), (d) and (e) of Sub-section (2) of Section 17 shall not be applicable to the Institutional Schools.

¹³⁰Provided that,

- (1) The provisions relating to the shifting of a school from one place to another pursuant to Section 15, shall be applicable in the case of the institutional school also.
- (2) The provisions relating to the change of the name of an institutional school shall be as prescribed.

¹³¹**16J Institutional school shall provide scholarship:** (1) An institutional school shall provide free scholarship student who are poor, disabled, woman, dalits or indigenous tribes in such a way that such scholarship

¹²⁸ Inserted by the Seventh Amendment.

¹²⁹ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

¹³⁰ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

¹³¹ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

shall not be less than Ten percent of the total number of the enrolled students in such school.

(2) In order to select the students for the purpose of providing scholarship pursuant to Sub-section (1), a scholarship selection committee shall be formed in every school consisting of its head master, the representative of the concerned District Education Office and the representative of the guardian involved in the school management committee.

(3) The student's selection criteria for the scholarship pursuant to Sub-section (1) shall be as prescribed.

¹³²**16K. Salary and allowance shall not be received and the tenure of service shall not be counted:** Except in the condition referred to in Section 16g or in case of being absent from the duty upon sanctioning leave as per the Rules, the teacher, who has been absent in the school shall not obtain the salary and allowances for the absent period and such absent period shall not be counted in his/her tenure of office.

¹³³**16L. Provision relating to employee:** The employee in community school shall be arranged as prescribed.

¹³⁴**17. Penalty:** ¹³⁵(1) If, anybody embezzles or causes damage/loss to the property of the school, the ¹³⁶Adjudicating Authority shall collect the claimed amount and punish him/her with a fine of up to Twenty-Five Thousand Rupees.

¹³² Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

¹³³ Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

¹³⁴ Amended by the First Amendment.

¹³⁵ Amended by the Seventh Amendment.

¹³⁶ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

¹³⁷(1a.) If, anyone acts or cause to act, or assist to act as following such a person ¹³⁸..... shall be liable for a fine up to One Hundred Thousand Rupees or an imprisonment upto Six months' or both based on the gravity of the crime.

- (a) If the secrecy of question papers is disclosed,
- (b) In case of negligence or irresponsible activity found in checking answer sheets,
- (c) If enters or tries to enter in to the Examination Centre without the permission of the concerned official, or commits any indecent act by taking the Examination Centre under control,
- (d) If commits irregularity in publishing examination results,
- (e) If appears in examinations on the behalf of others,
- (f) If commits any other act which destroy the decorum of the examinations.

¹³⁹(1b) If a lawsuit is filed against any teacher or the employee of the school before the ¹⁴⁰Adjudicating Authority or, the Court in an offence as referred to in Sub-sections (1) and (1A), such teacher or employee shall be suspended from the post from the date of filing a case until the case is disposed of. A departmental action pursuant to this Act shall be carried out if such teacher or employee found guilty by the Court.

137 Inserted by the Seventh Amendment.

138 Deleted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

139 Inserted by the Seventh Amendment.

140 Inserted by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

(2) ¹⁴¹Notwithstanding anything contained in Sub-sections (1) and (1a.), the prescribed official may punish a person who contravenes the provision of this Act or the Rules made thereunder as following:

- (a) To carry out disciplinary actions against the teachers and employees of the Schools,
- (b) To expel a student from School, hostel or examination,
- ¹⁴² (c) To impose a fine of One Thousand Rupees to Twenty Five Thousand Rupees based on the gravity of offence,
- (d) To reduce, suspend or cancel the governmental assistance to the school,
- (e) To cancel the permission or approval so provided to the School.

¹⁴³ **17A. Investigation and prosecution of a Case Relating to Property:**

(1) Notwithstanding anything contained in the ¹⁴⁴Government Cases Act, 2049 (1993), a case relating to the offence punishable pursuant to Sub-section (1) of Section 17 shall be investigated by the prescribed official, and such case shall be filed to the Adjudicating Authority in the name of the concerned School after the investigation.

(2) During the process of investigation and filing of the case pursuant to Sub-section (1), the prescribed official may take legal opinion of the Government Attorney.

¹⁴¹ Amended by the Seventh Amendment.

¹⁴² Amended by the Sixth Amendment.

¹⁴³ Inserted by the First Amendment.

¹⁴⁴ Amended by Seventh Amendment.

¹⁴⁵ **17B. Adjudicating Authority:** The cases relating to the offence punishable pursuant to Sub-section (1) of Section 17 shall be heard and disposed of by the Chief District Officer.

¹⁴⁶ **17C. Government of Nepal shall be plaintiff:** (1) Government of Nepal shall be the plaintiff in a case as referred to in Sub-sections (1) and (1a) of Section 17.

(2) The case to be filed pursuant to Sub-sections (1a) shall be deemed to have been included in the Schedule-1 of Government Cases Act, 2049.

¹⁴⁷ **18. Appeal:** (1) An appeal, against the penalty imposed by the Chief District Officer pursuant to Section 17B, may be filed before Court of Appeal within Thirty Five days.

¹⁴⁸(2) An appeal, against the penalty imposed by the prescribed authority pursuant to Sub-section (2) of Section 17, may be filed before the prescribed authority.

19. Power to frame Rules: (1) Government of Nepal may frame Rules in order to execute the objectives of this Act.

(2) Without prejudice to the generality of powers vested by Sub-section (1), such Rules may in particular make provisions on the following:

(a) Flag, emblem and prayers of the Schools,

¹⁴⁹(b) Fee to be chargeable on students and its realization,

¹⁴⁵ Inserted by the First Amendment.

¹⁴⁶ Amended by the Seventh Amendment.

¹⁴⁷ Amended by the First Amendment.

¹⁴⁸ Amended by the Education and Sports Related some Nepal Acts Amendment Act, 2063.

¹⁴⁹ Amended by the Fourth Amendment.

- ¹⁵⁰(c) Grants to be given to the Schools,
- (d) Examination of Schools,
- ¹⁵¹(d1) Relating to determination of equivalency of School Leaving Certificate Examination,
- ¹⁵²(d2) Relating to National Teachers Service Commission,
- ¹⁵³(d3) Relating to Teachers Registration Office of the Schools,
- (e) Determination of extra-curricular activities and programmes of the School,
- ¹⁵⁴ (f) Relating to oath of the teachers and employees of the school,
- (g) Methods of admission of students in Schools and the number of students,
- (h) Protection of properties of Schools,
- (i) Operation of hostel of Schools,
- (j) Checking of income and expenditure of Schools,
- (k) Methods of preparing and keeping of records, ledgers and other documents of Schools,
- ¹⁵⁵(1) Curriculum, textbook and reference materials of Schools,

¹⁵⁰ Amended by the Fourth Amendment.

¹⁵¹ Inserted by the Sixth Amendment.

¹⁵² Inserted by the Sixth Amendment.

¹⁵³ Inserted by the Sixth Amendment.

¹⁵⁴ Amended by the Fourth Amendment.

- (m) Code of conduct of teachers and students,
- (n) Library and reading rooms of Schools,
- (o) Co-education,
- ¹⁵⁶(p) Training on Teaching and School Management,
- (q) Powers and duties of a Headmaster,
- ¹⁵⁷ (r) Conditions of service of the teachers of Schools,
- ¹⁵⁸(s) Teaching ¹⁵⁹License, identity card and pass (logo) of the teachers of Schools,
- ¹⁶⁰(t) Special education,
- ¹⁶¹(u) Informal Education,
- ¹⁶²(u1) Distance Education
- (v) Constitution of Teacher's Service,
- (w) District Education Fund,
- (x) Student counseling and guidance service ¹⁶³.....
- (y) Other necessary matters,
- ¹⁶⁴(z) Operation of Residential Schools,

155 Amended by the Fourth Amendment.

156 Amended by Seventh Amendment.

157 Amended by the Fourth Amendment.

158 Amended by the Fourth Amendment.

159 Amended by the Seventh Amendment.

160 Amended by the Fourth Amendment.

161 Amended by the Seventh Amendment.

162 Inserted by the Seventh Amendment.

163 The word "and" is deleted by the Second Amendment.

164 Inserted by the Second Amendment and Amendment by the Fifth Amendment.

¹⁶⁵(z1) Relating to ¹⁶⁶Institutional Schools,

¹⁶⁷(z2) Relating to coaching class, language teaching class and teachers training class operated in private sector,

20. Powers to Remove Difficulties: If any difficulty or hindrance is encountered in executing the purposes of this Act, Government of Nepal may, in order to remove such difficulty or hindrance, issue an order by a Notification in the Nepal Gazette, and such order shall be considered as incorporated in this Act.

21. Savings and Exemption: (1) The provision of ¹⁶⁸this Act or, the Rules made thereunder shall prevail on matters provided herein and in all other matters the prevailing laws of Nepal shall apply.

¹⁶⁹(1a) Notwithstanding anything contained in this Act, it shall prevent Government of Nepal to take action pursuant to Prevention of Corruption Act, 2059 (2002).

(2) Education Act, 2025 (1968) and Education Rules, 2027 (1972) shall not apply in the areas where this Act has come into force.

¹⁶⁵ Inserted by the Second Amendment.

¹⁶⁶ Amended by the Seventh Amendment.

¹⁶⁷ Inserted by the Fifth Amendment.

¹⁶⁸ Amended by the Seventh Amendment

¹⁶⁹ Inserted by the First Amendment.