

The B. P. Koirala Institute of Health Sciences Act, 2049 (1993)

Date of Authentication and Publication:

2049.10.5 (18 Jan., 1993)

Amendments:

1. The B. P. Koirala Institute of Health Sciences
(First Amendment) Act, 2055(1998) 2055.7.11(28 Oct., 1998)
2. Income Tax Act, 2058 (2002) 2058.12.19 (1 April, 2002)
3. Republic Strengthening and Some Nepal Laws
Amendment Act, 2066 (2010) 2066.10.7(21 Jan., 2010)

Act number 48 of the year 2049(1993)

An Act made to provide for the B. P. Koirala Institute of Health Sciences

Preamble:

Whereas, it is expedient to make legal provisions for the establishment and operation of the B. P. Koirala Institute of Health Sciences, which is of national importance, in order to keep on making Nepal reliable in the filed of health services in a gradual manner, to provide the general public with standard health services, to prepare such human resources as may be required to promote high standard

study and research works on health, with a view to eternally commemorate people's leader late Bishweshor Prasad Koirala;

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

Chapter-1

Preliminary

1. Short title and commencement:

- (1) This Act may be called as the "B. P. Koirala Institute of Health Sciences Act, 2055(1993)."
- (2) This Act shall come into force immediately.

2. Definitions:

Unless the subject or the context otherwise requires, in this Act:

- (a) "Institute" means the B. P. Koirala Institute of Health Sciences established under Section 3.
- (b) "Council" means the Governing Council formed pursuant to Section 7.
- (b1)¹ "Chancellor" means the Chancellor as referred to in Section 11.
- (b2)² "Pro-Chancellor" means the Pro-Chancellor as referred to in Section 11A.

¹ Inserted by the First Amendment.

² Inserted by the First Amendment.

(c)³ “Vice-Chancellor” means the Vice-Chancellor as referred to in Section 11B.

(c1)⁴ “Rector, Registrar and Hospital Director” means the Rector, Registrar and Hospital Director appointed pursuant to Section 11C.

(d) "Prescribed" or "as prescribed" means prescribed or as prescribed in this Act or the rules framed under this Act.

Chapter-2

Establishment, Objectives and Functions, Duties

and Powers of B. P. Koirala Institute of Health Sciences

3. Establishment of B. P. Koirala Institute of Health Sciences:

(1) The B. P. Koirala Institute of Health Sciences is, hereby, established in order to keep on making Nepal reliable in the field of health services in a gradual manner, to provide the general public with standard health services, to prepare such human resources as may be required to promote high standard study and research works on health. It shall be called as “B. P. Koirala Institute of Health Sciences” in English.

(2) The office of the Institute shall be situated in *Dharan* of *Sunsari* District.

4. Institute to be autonomous body:

(1) The Institute shall be an autonomous body corporate with perpetual succession.

³ Amended by the First Amendment.

⁴ Inserted by the First Amendment.

- (2) The Institute shall have a separate seal of its own for all of its activities.
- (3) The Institute may, like an individual, acquire, use, sell and dispose of, or otherwise deal with, any movable and immovable property.
- (4) The Institute may, like an individual, sue by its name and be also sued by the same name.

5. Objectives of Institute:

The objectives of the Institute shall be as follows:

- (a) To impart education of certificate, bachelor, master's degree and PhD level to the persons who have possessed qualification as prescribed in medicine, nursing and other subjects of health sector in order to prepare such human resources as may be required for the development of standard health services, while keeping on making the country self-reliant in the health sector.⁵
- (b) To provide standard health services, give various trainings on health and give advice to and seek advice from other health institutes.
- (c) To do necessary research works on health sector.
- (d) To make provision of research and treatment of infectious and tropical diseases and establish a Institute of excellence of national level in these fields.

⁵ Amended by the First Amendment.

- (e) To act as one of the national resource Institutes for the development of human resources in health sector and for trainings to the teachers of health sciences.

6. Functions, duties and powers of Institute:

The functions, duties and powers of the Institute shall be as follows:

- (a) To carry out and promote teaching, learning and research activities in various subjects of health sector.
- (b) To maintain coordination with native or foreign university, hospital or educational institutes in order to enhance the standards of the works operated by the Institute,
- (c) To have exchange of mutual assistance by establishing, expanding and strengthening relationship with any native and foreign universities and institutes⁶ and national and international organizations related with health.
- (d) To make provision of teaching, training and research works on health in order to prepare qualified human resource in the health sector.
- (e) To organize, or cause to be organized, symposia, conferences etc. on health related subjects and make or cause to be made various publications on health, for the attainment of the objectives of the Institute.
- (f) To obtain financial, technical and other assistance from native and foreign person and national and international

⁶ Inserted by the First Amendment.

bodies and mobilize such assistance for health related works for the operation of, and in consonance with the objectives of, the Institute.⁷

- (g) To enhance, or cause to be enhanced, public awareness as to the utility and value of health services.
- (h) To act as one of the advisers of the Government of Nepal in the development of health related policies and health sector.
- (i) To provide financial and technical assistance to the bodies involved in health services.
- (j) To provide for education and trainings to be imparted by the Institute, take examination, and grant bachelor's, master's and doctorate degrees and other certificate.
- (k) To provide scholarships, medals and prizes.
- (l) To prepare curricula and course books for the programmes imparting education of certificate, bachelor's, master's and doctorate levels.⁸
- (m) To develop model information and research zones in the districts prescribed for the dissemination of information and promotion of research works on health services.
- (n) To make necessary provisions on the service, terms and conditions and facilities of the office-bearers, teachers⁹ and employees serving in the Institute.

⁷ Amended by the First Amendment.

⁸ Amended by the First Amendment.

⁹ Inserted by the First Amendment.

- (o) To make appointments to various posts of the Institute, as prescribed.
- (p) To prescribe and collect educational and other service fees.
- (q) To borrow loans against security of any property of the Institute.
- (r) To invest the properties of the Institute.
- (s) To establish a revolving fund of the Institute and operate the fund as prescribed.
- (t) To perform, or cause to be performed such other functions as may be required for the accomplishment of the objectives of the Institute.

Chapter-3

Formation and functions, duties and powers of Governing Council and Executive Committee

7.¹⁰ Formation of Governing Council:

- (1) There shall be formed a Governing Council consisting of the following members to perform the functions required to be performed by the Institute:

- | | | |
|-------------------|----------------|-------------|
| (a) | Pro-Chancellor | Chairperson |
| (b) ¹¹ | | Member |

¹⁰ Amended by the First Amendment.

¹¹ Deleted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

- (c)¹² Member
- (d) Member, National Planning Commission (looking after health sector) Member
- (e) One person nominated by the Government of Nepal from amongst the former vice-chancellors of the Institute Member
- (f) A maximum of two persons nominated by the Government of Nepal, on recommendation of the Executive Committee, from amongst the vice-chancellors of universities Member
- (g) Vice-chancellor,¹³ Nepal Academy of Science and Technology Member
- (h) One person from amongst the eminent women social activists Member
- (i) Secretary, Ministry of Health Member
- (j) Secretary, Ministry of Education Member
- (k) Secretary, Ministry of Finance Member

¹² Deleted by The Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

¹³ Deleted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

- (l) Dean, Institute of Medical Sciences (Tribhuvan University) Member
- (m) Chairperson, Nepal Health Research Council Member
- (n) Chairperson, Nepal Medical Council Member
- (o) Two persons nominated by the Government of Nepal, on recommendation of the Executive Committee, from amongst the medical scientists Member
- (p) Mayor, Dharan Municipality Member
- (q) Rector Member
- (r) Registrar Member
- (s) Hospital Director Member
- (t) Two persons nominated by the Pro-Chancellor, on recommendation of the Vice-Chancellor, from amongst the teachers of the Institute Member
- (u) A maximum of Two persons nominated by the Pro-Chancellor, on recommendation of the Executive Committee, from

amongst the renowned scholars,
social workers, industrialists and Member
businesspersons

(n) Vice-Chancellor Member
Secretary

- (2) The term of office of the nominated members, other than the *ex officio* members, out of the members as referred to in Sub-section (1) of shall be Four years.

8. Meeting and Decision of Council:

- (1) The Council shall hold its meeting at least Twice a year.
- (2) The meeting of the Council shall be presided over by the chairperson of the Council, and by the person selected by the members present at the meeting from amongst themselves, in the absence of the chairperson.
- (3) The presence of Fifty percent members of the total number of members of the Council shall be deemed to constitute a quorum for a meeting of the Council.
- (4) A majority opinion shall prevail at the meeting of the Council. In the event of a tie, the chairperson may exercise the casting vote.
- (5) The decisions of the Council shall be authenticated by the Member Secretary of the Council.
- (6) Other procedures relating to the meeting of the Council shall be as determined by the Council itself.

9. Functions, duties and powers of Council:

- (1) In addition to the functions mentioned elsewhere in this Act, the functions, duties and powers of the Council shall be as follows:
 - (a) To fix policies on teaching and research works to be carried out by the Institute.
 - (b) To frame Rules of the Institute.
 - (c) To approve the plans and programmes of the Institute.
 - (d) To make appraisal and evaluation of progress on annual programs of the Institute, and approve annual budget.
 - (e) To perform such other acts as prescribed.
- (2) The Council may form, as required, any committee and sub-committee to perform any act required to be performed by it pursuant to this Act.
- (3) The functions, duties and powers and procedures of the committee formed pursuant to Sub-section (2) shall be as prescribed.

10. Formation and functions, duties and powers of Executive Committee:

- (1)¹⁴ There shall be an Executive Committee consisting of the following members to act as an executive body of the Institute:

- | | |
|--|-------------|
| (a) Vice-chancellor | Chairperson |
| (b) Rector | Member |
| (c) Representative, Ministry of Health | Member |

¹⁴ Amended by the First Amendment.

- (d) Director of the Hospital Member
- (e) Two persons nominated by the Pro-Chancellor, on recommendation of the Vice-Chancellor, from amongst the departmental heads of the Institute Member
- (f) Registrar Member secretary
- (2) The tenure of the members as referred to in Clause (e) of Sub-section (1) shall be Two years.
- (3) The other functions, duties and powers of the Executive Committee shall be as prescribed.

Chapter-4

Provisions relating to office-bearers, teachers and employees of Institute

11.¹⁵ Chancellor:

- (1) The Prime Minister shall be the Chancellor of the Institute.
- (2) The Chancellor shall chair the convocation of the Institute.

11A.¹⁶ Pro-Chancellor:

The Minister for Health or the Minister of State for Health shall be the Pro-Chancellor of the Institute.

11B.¹⁷ Appointment of Vice-Chancellor:

¹⁵ Amended by the First Amendment.

¹⁶ Inserted by the First Amendment.

¹⁷ Inserted by the First Amendment.

- (1) The Chancellor shall form a committee under the chairpersonship of the Pro-Chancellor and consisting of other Two members in order to make recommendation to make appointment to the post of Vice-Chancellor of the Institute.
- (2) The Vice-Chancellor shall be the whole timer executive chief of the Institute.
- (3) The term of office of the Vice-Chancellor shall be Five years and his/her tenure may be re-extended.
- (4) The functions, duties and powers of the Vice-Chancellor shall be as prescribed.
- (5) Other provisions relating to the remuneration, terms and conditions of service and facilities of the Vice-Chancellor shall be as prescribed.

11C.¹⁸ Appointment of Rector, Registrar and Director of the Hospital:

- (1) The Pro-Chancellor shall, on recommendation of the Vice-Chancellor, appoint the Rector, Registrar and Director of the Hospital of the Institute.
- (2) The term of office of the Rector, Registrar and Director of the Hospital shall be Five years.
- (3) The functions, duties and powers of the Rector, Registrar and Director of the Hospital shall be as prescribed.
- (4) Other provisions relating to the remuneration, terms and conditions of service and facilities of the Rector, Registrar and Director of the Hospital shall be as prescribed.

¹⁸ Inserted by the First Amendment.

11D.¹⁹ Removal from office:

- (1) If one fourth of the currently existing members of the Council make an application in writing to the Chancellor that the Vice-Chancellor, Rector, Registrar and Director of the Hospital of the Institute are failing to perform the duties of their respective posts, the Chancellor shall form an inquiry committee under the chairpersonship of the Pro-Chancellor and consisting of Two members of the Council.
- (2) The inquiry committee formed pursuant to Sub-section (1) shall hold necessary inquiries into the matter and submit its report to the Council.
- (3) In cases where the report submitted pursuant to Sub-section (2) indicates that the Vice-Chancellor, Rector, Registrar or Director of the Hospital has not performed the responsibilities of his/her post, the Council hold discussions on that matter. If a majority of the total number of members of the Council adopts a resolution to remove him/her from office for his/her such failure to perform the responsibilities of his/her post and the resolution is submitted to the Chancellor, the Chancellor shall remove him/her.
- (4) In holding inquiries pursuant to Sub-section (2) by the inquiry committee formed pursuant to Sub-section (1), it shall give a reasonable opportunity to him/her to defend him/herself.

¹⁹ Inserted by the First Amendment.

12.²⁰ Provisions relating to appointment, terms and conditions of service and remuneration of teachers and employees of Institute:

- (1) The provisions relating to the appointment, terms and conditions of service and remuneration of the teachers and employees of Institute shall be as prescribed.
- (2) All the teachers and employees appointed pursuant to Sub-section (1) shall be non-practicing.

Explanation:

For purposes of this Sub-section, “non-practicing” means prohibition on carrying on any other kind of private business including any medical practice and private tuition elsewhere with or without consideration of remuneration, except the official functions of the Institution.

13.²¹

Chapter-5

Fund, accounts and audit of Institute

14. Fund of Institute:

- (1) The Institute shall have a separate fund of its own.
- (2) The fund as referred to in Sub-section (1) shall consist of the following amounts:
 - (a) Amounts received from the Government of Nepal,
 - (b) Loans, donation, gift, assistance or grant received from any person, organization or government,

²⁰ Amended by the First Amendment.

²¹ Repealed by the First Amendment.

- (c) Amounts received from educational fees and service fees,
 - (d) Amounts received from any other sources.
- (3) In receiving amounts from a foreign person, organization, government or international organization, the Institute shall obtain approval of the Government of Nepal.
- (4) The moneys of the fund of the Institute shall be deposited in an account opened with a bank.
- (5) All the expenditures of the Institute shall be chargeable on the fund as referred to in Sub-section (2).
- (6) The fund and account of the Institute shall be operated as prescribed.

15. Accounts and audit:

- (1) The accounts of the incomes and expenditures of the Institute shall be maintained as prescribed.²²
- (2) The audit of the incomes and expenses of the Centre shall be performed by the Office of the Auditor General or by an auditor designated by that Department.²³

Chapter-6

Miscellaneous

16. Certificates to be granted by the Institute:

Notwithstanding anything contained in the prevailing law, the Institute may grant bachelor's, master's, doctorate degrees and other certificate and degrees on health under this Act.

²² Amended by the First Amendment.

²³ Inserted by the First Amendment.

17. Recognition of certificate to be granted by the Institute:

The recognition of the bachelor's, master's, doctorate degrees and other certificate and degrees on health to be granted by the Institute under this Act shall be pursuant to the Nepal Medical Council Act, 2020.

18. Annual Report:

The Vice-Chancellor²⁴ shall submit an annual report of Institute to the Council no later than Three months after the date of expiration of the fiscal year.

19.²⁵ Delegation of powers:

The Institute may delegate any of the powers conferred to it under this Act or the Rules framed under this Act to any member of the Council.

20. To act in consonance with national health and education policies of the Government of Nepal:

It shall be the duty of the Institute to act in consonance with national health and education policies of the Government of Nepal.

20A.²⁶ Powers of the Government of Nepal to give necessary direction:

Government of Nepal may give necessary direction to the Institute.

²⁴ Amended by the First Amendment.

²⁵ Amended by the First Amendment.

²⁶ Inserted by the First Amendment.

21. Exemptions and facilities to the Institute:

The following things of the Institute shall be exempted from taxes such customs, sales tax,.....²⁷:

- (a) Construction materials, machineries and equipment imported from abroad for the building and operation of the Institute.
- (b) Scholarships and prizes to be provided by the Institute.
- (c) Donation, gift, grant and other income received by the Institute and property of the Institute.
- (d) Registration of any deeds whatsoever required to be registered.

22. Liaison Ministry:

In making contact with the Government of Nepal, the Institute shall do so through the Ministry of Health, Government of Nepal.

23. Powers to frame Rules:

The Council may frame necessary Rules for the implementation of the objectives of this Act.

²⁷ Repealed by the Income Tax Act, 2058.