

Mid-western University Act, 2067 (2010)

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Act Number 2 of the Year 2067 (2010)

An Act to make provisions relating to the Mid-western University

Preamble: Whereas, it is expedient to establish and operate the Mid-western University in the investment of Government of Nepal for making available opportunity of quality education to general public on Arts, Science, Law, Management, Education, Technology and other Vocational subjects; to operate 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 as per multi-university concept and to make academic and educational atmosphere of the country more fair, disciplined and result-oriented;

Now, therefore, be it enacted by the Constituent Assembly pursuant to Sub-article (1) of Article 83 of the Interim Constitution of Nepal, 2063.

Chapter 1

Preliminary

1. **Short Title and Commencement:** (1) This Act may be called as the "Mid-western University Act, 2067 (2010)".

(2) This Act shall come into force immediately.

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

- (a) "University" means the Mid-western University established pursuant to Section 3.
- (b) "Senate" means Senate of the University 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 21.
- (f) "Faculty" means the faculty as referred to in Section 14.
- (g) "Research Centre" means the Research Centre as referred to in Section 15.
- (h) "Education Council" means the Education Council as referred to in Section 16.
- (i) "Campus" means the constituent campus of the University and this expression also includes any campus affiliated to the University.
- (j) "Curriculum Development Centre" means the Curriculum Development Centre as referred to in Section 18.

- (k) "Chancellor" means the Chancellor as referred to in Section 22.
- (l) "Pro-Chancellor" means the Pro-Chancellor as referred to in Section 23.
- (m) "Vice Chancellor" means the Vice Chancellor as referred to in Section 24.
- (n) "Registrar" means the Registrar as referred to in Section 25.
- (o) "Dean" means the chief of the faculty.
- (p) "Director" means the Director as referred to in Section 27.
- (q) "Teacher" means the Professor, 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 Rules made under this Act.
- (r) "Employee" means the person beside teachers who conduct or cause to conduct managerial and assistance work while operating the University.
- (s) "Student" means girls and boys who made admission in the campus for study and research.
- (t) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

Chapter 2

Establishment of the University

3. **Establishment of the University**: (1) The Mid-western University is, hereby, established to conduct study, teaching and research work on Arts, Science, Law, Management, Education, Technical and other Vocational subjects.

(2) This University shall established at the premises of *Surkhet* Campus which is being operated in a *Surkhet*, as a *Surkhet* Campus (education), as a constituent campuses of *Tribhuvan* University upon receiving donation from Government of Nepal at the time of commencement of this Act and jointly including to the affiliated campus namely *Birendra* Multiple Campus, *Surkhet*, Public Science Campus, *Surkhet*.

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 property.

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

(5) The University may, like an individual, carry out the contract and use the rights and fulfill the obligation as per contract.

Chapter 3

Organization and Officials of the University

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) Research Centre,
 - (g) Education Council,
 - (h) Campus,
 - (i) 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) Director
- (h) Campus Chief
- (i) Other officials as prescribed.

Chapter 4

Constitution, Functions, Duties and Powers of the Senate

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) Member, National Planning
Commission (looking after
Education sector) - Member
- (e) Chairperson, University Grant
Commission - Member
- (f) Two persons from amongst

- Vice-Chancellors of other Universities - Member
- (g) Secretary, Ministry of Education – Member
- (h) Secretary, Ministry of Finance – Member
- (i) Regional Administrator of the
Concerned Development Region – Member
- (j) Dean – Member
- (k) Director – Member
- (l) Two persons from amongst the
Campus Chiefs – Member
- (m) Two persons from amongst the Teachers – Member
- (n) Three persons from amongst the
Presidents of the District Development
Committees of the Region including the
President of the District Development
Committee where the University is located -Member
- (o) Two Mayor of the Municipality amongst
the region where the University is located – Member
- (p) Central Chairperson of the Nepal
Professor Union – Member

- (q) President of the Professor Union of the University – Member
- (r) President of Free Student Union of the University – Member
- (s) One persons from amongst Donors - Member
- (t) One person from amongst educationist or social worker – Member
- (u) One representative of the employees – Member
- (v) 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 tenure of office of the nominated members shall be Three years.

(5) In case the office of a nominated member falls 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. **Meetings of the Senate:** (1) The meetings of the Senate shall be held at least Twice a year compulsory.

(2) The 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 meetings 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 meetings 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 meetings of the Senate shall prevail 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 the decisions of the Senate.

(8) Other procedures relating to the meetings of the Senate shall be as determined 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 guide to the University and its bodies.
- (c) To determine and award the degrees to be conferred by the University.

- (d) To approve long-term policies, annual budget and programmes of the University,
- (e) To approve Bye-laws relating to the University,
- (f) To discuss on annual reports of bodies under the University and to evaluate their programmes,
- (g) To discuss and approve the audit report of the University,
- (h) To constitute various committees, sub-committees or task-forces as per necessity.
- (i) To perform other functions as prescribed.

Chapter 5

Constitution, Functions, Duties and Powers

of Academic Council

10. **Constitution of Academic Council:** (1) There shall be an Academic Council to manage the educational and academic functions of the University.

(2) The Academic Council shall be constituted as follows:

- (a) Vice-Chancellor - Chairperson
- (b) Registrar - Member
- (c) Dean - Member
- (d) Three persons from amongst the

- Chairperson of the different Subject
- Committee of the University - Member
- (e) One person from amongst the
Campus Chiefs -Member
- (f) One person from amongst the
Teachers -Member
- (g) Two persons from amongst
the highly renowned learned persons - Member
- (h) The Dean designated by the
Vice-Chancellor from amongst
the Deans Member-Secretary

(3) The members other than the *ex-officio* members shall be nominated by the Vice-Chancellor.

(4) The tenure of office of the nominated members shall be Three years.

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

(6) Procedures relating to the meetings of the Academic Council shall be as prescribed and the procedures relating to meetings shall be determined by Academic Council itself until so prescribed.

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 and approve the curriculum of the University.
- (b) To fix the modes of examination to be conducted by the University.
- (c) To determine and maintain the standard of teaching of the University.
- (d) To formulate policies relating to research and to approve the research programmes.
- (e) To determine the qualifications, number of students to be admitted and grounds for admission in the subjects which are taught in the University.
- (f) To give opinion and advice to the Executive Council on academic matters.
- (g) To recommend to senate for honorary degree to be conferred by the University.
- (h) To perform such other functions as prescribed.

Chapter 6

Constitution, Functions, Duties and Powers of Executive Council

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

(2) The Executive Council shall be constituted as follows:

- (a) Vice-Chancellor - Chairperson
- (b) One person from amongst the Deans - Member
- (c) One person from amongst the Campus Chiefs who is member of a Senate - Member
- (d) One person from amongst the Teachers - Member
- (e) Registrar - Member-Secretary

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

(4) The tenure of office of the nominated members shall be Three years.

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

(6) Procedures relating to the meetings of the Executive Council shall be as prescribed and the procedures relating to meetings shall be determined by Executive Council itself until so prescribed.

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 programmes, budget, progress report, audit report and other resolutions (matters) of the University and introduce them in to the Senate for approval,
- (c) To operate, look after and protect the fund and movable or immovable property of the University,
- (d) To sell or lease or contract movable or immovable property of the University subject to the policy, guidelines of the Senate,
- (e) To coordinate, look after and supervise the programmes conducted by the University and to submit report thereof to the Senate,
- (f) To draft Rules relating to the University and 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 determine the fees of the student,
- (i) To accept financial and other assistance to the University,
- (j) To carry out other functions as prescribed.

Chapter 7

Faculty, Research Centre and Other Bodies

14. **Faculty**: (1) There shall be such faculties on Arts, Science, Medicine, Law, Management, Education and other subjects as may be prescribed for the higher education to be imparted by the University.
- (2) The functions, duties and powers of the faculties shall be as prescribed.
15. **Research Centre**: (1) The University may establish Research Centre as per necessity in order to carry out research on Arts, Science, Medicine, Law, Management, Education and other subjects.
- (2) The functions, duties and powers and operation of the research centre shall be as prescribed.
16. **Education council**: (1) In order for operation of educational and academic programmes there shall be an Education Council in each faculty.
- (2) There shall be subject committees under the Education Council as prescribed.
- (3) Functions, duties and powers and procedures relating to meetings of the Education Council and committees thereunder shall be as prescribed.

17. **Campus:** (1) The University may, in order to impart higher education, establish and operate campuses of various subjects as per necessity.
- (2) Provisions relating to the establishment and operation of the campus shall be as prescribed.
18. **Curriculum Development Centre:** (1) A Curriculum Development Centre shall be established as prescribed in order for determination and development of curriculum on the different subjects to be studied and taught in the University.
- (2) The Constitution and Functions, Duties and Powers of the Curriculum Development Centre shall be as prescribed.
19. **Affiliation to University:** (1) In case any private campus wishes to be operated upon getting affiliation to the university, the University may grant affiliation to such campus.
- (2) The campus affiliated pursuant to Sub-section (1) shall have to abide by the terms and conditions as determined by the University.
20. **Special Provision Relating to Operation of Constituent Campus of other Universities:** (1) In case, a campus which is a constituent or affiliated campus of any other University submits an application alongwith recommendation of the Governing Body to be a constituent or affiliated campus of this university, the process for the same shall be proceed.
- (2) The process pursuant to Sub-section (1) shall be as determined by the University.

(3) In case, a campus is operated as a constituent campus of the University pursuant to Sub-section (1), the property of the Campus thereof shall devolve on the same campus under the University.

(4) In case, a campus is operated as a constituent campus of the University pursuant to Sub-section (1), the teachers or employees of that campus shall be the teachers or employees of the constituent campus of the University.

(5) In case, a teacher or employee is not willing to work as a teacher or employee of the constituent campus of the University pursuant to Sub-section (4), he/she shall inform to the concerned University within the time frame determined by the Senate or within One year of approval of the University and in such condition University may depute such teacher or employee upon consulting with that University.

(6) The permanent service of the teachers or employees converted as the teachers or employees of the constituent campus of the University shall be considered to be the service of the constituent campus of the University and their service period shall counted accordingly.

(7) In case, teachers or employees are engaged in a constituent campus of this university pursuant to Sub-sections (4) or (5), there shall be no change in their salary, facilities and terms and conditions of service to the detriment of their interests.

Chapter 8

Service Commission

21. **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.

(2) The Service Commission shall be constituted as follows:

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

(3) The Chancellor shall constitute One committee in the chair of the Pro-chancellor along with Two members of the Senate to recommend the Chairperson and the members referred to in Clauses (a) and (c) of Sub-section (2) and the Chairperson and the members shall be appointed by the Chancellor on the recommendation of such committee.

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

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

(6) Remuneration, facility and other condition of the Chairperson and members of the Service Commission shall be as prescribed.

(7) Procedures relating to the meeting of the Service Commission shall be as prescribed and the procedures relating to meeting shall be

determined by the Service Commission itself.

Chapter 9

Official, Teacher and Employee of the University

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 the convocation of the University.

(3) The Chancellor may inspect the University and issue directions as per necessary.

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 Three members of the Senate including the Secretary of Ministry of Education shall be constituted by the Chancellor.

(3) The Committee pursuant to Sub-section (2) shall recommend Three persons to be appointed as Vice-chancellor and the Chancellor shall appoint Vice-chancellor from among the recommended persons.

(4) The Vice-chancellor shall have general control over all functions and proceedings and he/she may direct or supervise the functions and proceedings of the University.

(5) The tenure of office of the Vice-Chancellor shall be Four years.

(6) In absence of the Chancellor and Pro-Chancellor, the Vice-Chancellor shall preside over the convocation of the University.

(7) The Vice-Chancellor shall execute and cause to execute the decision and direction of the Senate.

(8) The Vice-Chancellor shall carry out the functions other than those 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 have to cause to be approved by the meetings of the Senate to be held immediately thereafter.

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

(10) The other functions, duties and powers and remuneration, facilities and conditions of service of the Vice-Chancellor shall be as prescribed.

25. **Registrar:** The Registrar shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor.
26. **Dean:** The Dean shall be appointed by the Executive Council.
27. **Director:** (1) There shall be separate director to function as a head of the Research Centre and Curriculum Development Centre.
- (2) The Director shall be appointed by the Executive Council.
28. **Functions, Duties and Powers and Remuneration, Facilities and Conditions of Service of Registrar, Dean and Director:** (1) The Registrar, Dean and Director shall be full time official of the University.
- (2) The tenure of office of the Registrar, Dean and Director shall be Four years.
- (3) Functions, Duties and Powers and Remuneration, Facilities and Conditions of Service of Registrar, Dean and Director shall be as prescribed.
29. **Other Officials of the University:** (1) There shall be other officials at the University as prescribed.
- (2) The appointment, functions, duties, powers, remuneration, facilities and conditions of service of other officials pursuant to Sub-section (1) shall be as prescribed.
30. **Removal from Office:** (1) If One Fourth of the currently existing members of the Senate make an application in writing to the Chancellor that the Vice-Chancellor, Chairperson of the Service

Commission or Registrar are failing to perform the duties of their respective posts or not performing their duties honestly or not abiding by the conduct as required to their post, the Chancellor shall form Three members inquiry committee under the chairpersonship of the member of the Senate consisting member of the University Grant Commission and Secretary at the Ministry of Education.

(2) The inquiry committee formed pursuant to Sub-section (1) shall hold necessary inquiries into the matter and submit its report to the Chancellor within Thirty days.

(3) Upon receiving the report pursuant to Sub-section (1), the Chancellor shall submit it to the Senate.

(4) In case, more that Fifty percent members presenting in the meeting decide to remove from office to the Vice-Chancellor, Chairperson of the Service Commission or Registrar in the course of discussions on that report submitted pursuant to Sub-section (2), the Chancellor shall remove Vice-Chancellor, Chairperson of the Service Commission or Registrar from office.

Provided that, they shall be given a reasonable opportunity to defend themselves before removing from the office.

(5) The process of removal from office or make an inquiry to other official besides the Vice-Chancellor, Chairperson of the Service Commission or Registrar on the charge pursuant to Sub-section (1) shall be as prescribed.

(6) In case, an inquiry is started against any official pursuant to this

Section, he/she shall not be eligible to perform his/her official duty till the final decision is made.

31. **Provision relating to Teacher and Employee:** (1) There shall be teachers and employees at the University as prescribed.

(2) The appointment, functions, duties, powers, remuneration, facilities and conditions of service of teachers and employees pursuant to Sub-section (1) shall be as prescribed.

Chapter 10

Fund, Account and Audit of the University

32. **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 received from University Grant Commission
- (c) The amount received from Local Bodies.
- (d) The amount given by any person or organization as donation, charity and financial assistance,
- (e) The amount received as assistance or grant from concerned person or organization related with industry, commerce.
- (f) The amount received as assistance or loan from

foreign government, international organizations, associations, financial institutions or persons,

- (g) Fees or the amount to be received from any other source.

(2) While receiving any amount pursuant to Clause (f) 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 bank as decided by the University.

(4) The operation of fund and account of the University shall be as prescribed.

(5) All expenditure of the University shall be borne by the fund pursuant to Sub-section (1) as approved by the Senate.

33. **Accounts and Auditing:** (1) The accounts of incomes and expenditures of the University shall be kept as same as Government of Nepal.

(2) The University shall manage the internal control system of accounts as prescribed.

(3) The audit of the accounts of the University shall be carried out by the Auditor General.

Chapter 11

Miscellaneous

34. **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 and may confer honorary degrees to the persons carrying out research oriented activities and appreciable work in the educational and academic field.
- (2) 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.
35. **Qualification Required for Admission to the University:** (1) The qualification required for admission of the students and researchers to the University shall be as prescribed.
- (2) In the course of admission of the student in the University, the place shall be secured to the student from women, *Aadibasi/janjati*, *Madhesi*, *Dalit*, disable (differently able), backward class or community as per the policy of Government of Nepal in the prescribed percent.
36. **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.

37. **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.
38. **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.
39. **Prior Approval of Government of Nepal 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.
40. **Delegation of Powers:** (1) The Senate may delegate any or all of the powers conferred on it under this Act or the Rules framed hereunder to the Academic Council, Executive Council or Vice-Chancellor.
- (2) 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.
- (3) 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.
- (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.

41. **Liaison with Government of Nepal**: Ministry of Education shall liaison the University with the Government of Nepal.
42. **Provisions relating to Dissolution of the University**: (1) In case the University could not be operated by any reason, Government of Nepal may dissolve the University on the recommendation of Senate.
- (2) In the event of dissolution of the University pursuant to Sub-section (1), its movable and immovable property shall devolve on Government of Nepal.
43. **Power to Frame Rules** : The University may frame necessary Rules for the implementation of the objectives of this Act.