

Nepal Sanskrit University Act, 2043 (1986)

Date of Authentication and Publication

2043/8/25 (10 Dec. 1986)

Amendments,

1. *Mahendra* Sanskrit University
(First Amendment) Act, 2049 2049/7/21
(6 Nov. 1992)
2. Some Nepal Laws Amendment Act, 2063 2063/6/28
(14 Oct. 2006)
3. Some Nepal Acts Amendment Act, 2064 2064/5/9
(26 Aug. 2007)
4. Nepal Sanskrit University
(Second Amendment) Act, 2049 2064/9/30
(14 Jan. 2008)
5. Republic Strengthening and Some Nepal Laws
Amendment Act, 2066 2066/10/7
(Jan. 21, 2010)

Act Number 21 of the Year 2043 (1986)

An Act made for the establishment of *Mahendra* Sanskrit University

Preamble: Whereas, to manage Sanskrit education in Nepal up to the highest mark and to study, research, protect and promote the special achievements received from Sanskrit education in various sectors as per the demand of time and to develop Nepal as a centre of knowledge and inspiration in Sanskrit education upon abiding by the traditional *dharmā*, moral values, propriety and good behaviour; and

¹Whereas, it is expedient to establish a University to continue Sanskrit education, for such education has become a prestigious custom in Nepal from time immemorial;

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

1. **Short Title and Commencement:** (1) This Act may be called as the " Nepal Sanskrit University Act, 2043 (1986)".

(2) Sections 1, 3, 4, 14, 15, 16, 17 and 18 of this Act shall come into force immediately and other Sections shall come into force on such date as appointed by the Government of Nepal by a Notification in the Nepal Gazettee.

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

(a) "University" means the Nepal Sanskrit University established pursuant to this Act.

(b) "Senate" means Senate of the University as referred to in Section 4.

(c) "Executive Council" means the Executive Council as referred to in Section 6.

(d) "Academic Council" means the Academic Council as referred to in Section 8.

¹ Amended by Some Nepal laws Amendment Act, 2063

- ²(d1) "Service Commission" means the Service Commission as referred to in Section 9A.
- (e) "Examination Committee" means the Examination Committee as referred to in 26.
- (f) "Central Office" means the collective structures of the Offices of the Vice-chancellor, Rector and Registrar (*Kul Sachib*).
- (g) "*Bidyapitha* (Campus)" means *Bidyapitha* (Campus) under this Act.
- (h) "*PracharyaI* (Campus Chief)" means the chief of *Bidyapitha*.
- (i) "Teacher" means the Professor, Lecturer and Assistant Lecturer engaged in providing education at the University and this expression also includes the instructors of various levels at the University and a person specified as a Teacher in the Rules made under this Act.
- (j) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

3. **Establishment of the University:** (1) A University shall be established to operate higher level Sanskrit education.

(2) The University shall be an autonomous corporate body with perceptual succession. The University shall have a separate seal of its own for all of its business and the University may, like an individual, acquire, use, sell, mortgage or otherwise dispose of movable and

² Inserted by Second Amendment.

immovable property. The University may, like an individual, sue and may be sued in the same name.

(3) The Central Office of the University shall be located at *Dang*.

³4. **Constitution of the Senate:** (1) There shall be a Senate consisting following members: -

- (a) Chancellor - Chairperson
- (b) Pro-Chancellor - Member
- (c) Vice-Chancellor - Member
- (d) ⁴
- (e) ⁵
- (f) Member, National Planning Commission
(looking after Education sector) - Member
- (g) Vice-chancellor, Tribhuvan University - Member
- ⁶(h) Vice-chancellor, Nepal Academy - Member
- ⁷(i) Vice-chancellor, Nepal Academy
of Science and Technology - Member

³ Amended by First Amendment.

⁴ Omitted by Some Nepal Laws Amendment Act, 2063

⁵ Omitted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066

⁶ Amended by Second Amendment

⁷ Amended by Second Amendment

- (j) Rector - Member
- (k) One person from amongst the ex-vice-chancellors of the University - Member
- ⁸(l) Secretary, Ministry of Education and Sports - Member
- (m) Secretary, Ministry of Finance - Member
- ⁹(m1) Chairperson, University Grant Commission - Member
- (n) Chairperson, Trust (*Guthi*) Corporation - Member
- (o) Registrar (*Kul Sachib*) - Member
- (p) Executive Director, Research Centre, Nepal Sanskrit University - Member
- (q) One person from amongst the *Pracharyas* - Member
- (r) Three persons from amongst the teachers to be elected by Chairperson and Secretary of the *Bidhyapitha* Professor Union Units under

⁸ Amended by Second Amendment

⁹ Inserted by Second Amendment

the University on the basis of the system of
proportional representation by means of
single transferable vote - Member

Explanation: For the purpose of this Clause, a
Teacher who is willing to be a candidate shall have
served at least Fifteen years in the permanent
service of the University. For the purpose of this
explanation Clause permanent service of the
University includes the permanent services carried
out in other Universities of Nepal.

- ¹⁰(r1) One representative of Professor
Union of the University -Member
- (s) One person from amongst educationist – Member
- (t) One person from amongst the highly
renowned learned persons of Sanskrit – Member
- (u) One representative of Nepal Professor
Union -Member
- (v) One representative of the employees
association of the University – Member

¹⁰ Inserted by Some Nepal Laws Amendment Act, 2063.

- (w) One person from amongst Donors - Member
- (x) One person from renowned social worker-Member
- (y) One person from amongst the
Chairpersons of the Free Student
Union of the University - Member

(2) The members of the Senate except *ex officio* and elected members shall be nominated by the Chancellor on the recommendation of Executive Council.

(3) The tenure of office of the student representative shall be One year and the tenure of office of other members except *ex officio* members shall be Three years.

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

- (a) To constitute, operate and manage *Bidyapitha* for the Sanskrit higher education,
- (b) To constitute and award the Intermediate (*Uttar Madhyama*), Bachelor's Degree (*Sastri*), Master's Degree (*Acharya*), Doctorate of philosophy Degree,
- (c) To approve annual programmes and budget of the University,

- (d) To approve Rules relating to the University,
- (e) To guide the University,
- (f) To discuss on annual reports of the University and evaluate programmes,
- (g) To discuss and approve the audit report of the University,
- (h) ¹¹
- (i) To constitute various committees as per necessity.

6. **Constitution of Executive Council:** (1) There shall be an Executive Council consisting of the following members:

- (a) Vice-Chancellor - Chairperson
- (b) Rector - Member
- (c) Registrar -Member
- (d) Two person from amongst the *Pracharyas*- Member
- ¹²(e) One person from amongst the Teachers - Member

(2) The members pursuant to Clauses (d) and (e) of Sub-section (1) shall be nominated for a period of Three years by the Senate ¹³on the recommendation of the Vice-chancellor.

¹¹ Omitted by First Amendment.

¹² Amended by First Amendment.

¹³ Inserted by Second Amendment.

7. **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) ¹⁴
- (c) To prepare programmes, budget, progress report, audit report and other resolutions,
- (d) To accept grant-donation to the University,
- (e) To protect the fund and movable or immovable property of the University and sell such property subject to the policy and guidelines of the Senate as per necessity,
- (f) To look after the activities conducted by the University,
- (g) To draft Rules relating to the University and submit them to the Senate for approval,
- (h) To appoint teachers and employees for the University and *pracharyas* for the *Bidhyapitha*,
- ¹⁵(i) To determine the posts of the employees and teachers for the purpose of educational and administrative function.

¹⁴ Omitted by Some Nepal Laws Amendment Act, 2063.

¹⁵ Inserted by First Amendment.

168. **Constitution of Academic Council:** (1) There shall be an Academic Council, as a main body in the educational and academic field, consisting as follows:

- (a) Vice-Chancellor - Chairperson
- (b) Rector - Member-Secretary
- (c) Registrar - Member
- (d) Executive Director, Research Centre - Member
- ¹⁷(d1) Controller of Examination - Member
- ¹⁸(d2) Chairperson, Professor Union, Nepal
Sanskrit University - Member
- (e) Five persons from amongst the
Chairperson of the Subject Committees - Member
- (f) Five persons from amongst the
Head of the Departments - Member
- (g) Two persons from amongst
the *Pracharyas* - Member
- ¹⁹(g1) One person from amongst the

¹⁶ Amended by First Amendment.

¹⁷ Inserted by Second Amendment

¹⁸ Inserted by Second Amendment

Pracharyas of the affiliated Campus -Member

(h) Two persons from amongst the

senior Teachers -Member

(2) The members other than the *ex-officio* members shall be nominated by the Senate²⁰ on the recommendation of Vice-chancellor.

(3) The tenure of office of the members other than the *ex-officio* members shall be Three years.

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

- (a) To function as a main body in the educational and academic field of the University,
- (b) To determine the standard of study and teaching, curriculum, standard of the examination and their types, modes of evaluation, educational materials, numbers of the student to be admitted and qualification thereof in the University,
- (c) To formulate the policy relating to research and approve research programmes,
- (d) To evaluate the educational programmes of the students.
- (e) To determine the standard of teaching and research,

¹⁹ Inserted by Second Amendment

²⁰ Inserted by Second Amendment

- (f) To arrange for honorary degrees,
- (g) To determine minimum qualification to the teachers in different levels.

²¹9A. **Service Commission**: (1) A Service Commission shall be constituted as following to recommend for the appointment and promotion of the teachers and employees of the University to the Executive Council.

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

(2) The Chancellor shall constitute a committee in the chair of the Pro-chancellor along with Two members of the Senate to recommend the Chairperson and the member referred to in Clauses (a) and (c) of Sub-section (1) and the Chairperson and the member shall be appointed by the Chancellor on the recommendation of such committee.

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

(4) Other functions, duties and powers and procedures relating to the meetings of the service commission shall be as prescribed.

(5) Remuneration, facilities and other conditions of service of the Chairperson and facilities of the members of the Service Commission shall be as prescribed.

²¹ Inserted by Second Amendment

10. **Organisation of the University:** ²²(1) The collective form of Chancellor, Vice-chancellor, Central Office, ²³Service Commission, Research Centre, Constituent *Bidyapitha* and affiliated *Bidyapitha* shall be the structure of the University.

(2) There shall be prescribed *Bidyapitha* on prescribed subjects for higher education.

(3) Functions, duties and powers of the *Bidyapitha* shall be as prescribed.

11. **Responsibility and Delegation of Powers:** (1) Except otherwise provided in this Act and ²⁴Rules made thereunder all the powers of the University shall be vested on the Senate.

(2) The Senate may delegate any or all of the powers conferred on it under this Act or the ²⁵Rules framed thereunder to the Executive Council, Academic Council or any officials or Committees formed as prescribed.

12. **Not to be discriminated on the basis of Dharma, Caste, Creed, Race, Gender and Faith:** No one shall be discriminated on the basis *Dharma*, Caste, Creed, race, Gender and Faith for any post or receiving Master's Degree, Bachelor's Degree, Intermediate or any educational Degree or study or facility.

²² Amended by First Amendment.

²³ Inserted by Second Amendment.

²⁴ Amended by Second Amendment

²⁵ Amended by Second Amendment

13. **Officials**: The University shall have the following officials:

- (a) Chancellor,
- (b) Pro-Chancellor,
- (c) Vice-Chancellor,
- ²⁶(c1) Chairperson of the Service Commission,
- (d) Rector,
- (e) Registrar,
- (f) *Pracharyas*,
- ²⁷(g) Other officials as prescribed.

14. **Chancellor**: ²⁸(1) The Prime Minister shall be the Chancellor of the University.

(2) The Chancellor shall be the chief of the University and chairperson of the Senate. If he/she is present, he/she shall preside over the Senate and Convocation of the University.

(3) The Chancellor shall have power to inspect or inquire or cause to inspect or inquire any subject or matter relating to the University.

(4) The Chancellor may revoke any act done against this Act and

²⁶ Amended by Second Amendment

²⁷ Amended by Second Amendment

²⁸ Amended by Some Nepal Laws Amendment Act, 2063.

²⁹Rules made thereunder.

(5) Others powers of the Chancellor shall be as prescribed.

15. **Pro-Chancellor**: (1) ³⁰..... The Minister ³¹or the Minister of State for Education shall be the Pro-Chancellor of the University.

³².....

(2) In absence of the Chancellor, the Pro-Chancellor shall function as a Chancellor.

16. **Vice-Chancellor**: (1) In order to recommend for appointment to the post of Vice-Chancellor, a committee consisting of Three members of the Senate shall be constituted by the Chancellor.

(2) The Committee pursuant to Sub-section (2) shall recommend Three persons to be appointed as Vice-chancellor.

(3) The Chancellor, upon considering the recommendation, shall appoint Vice-chancellor from among the recommended persons pursuant to Sub-section (2).

(4) The tenure of office of the Vice-Chancellor shall be Four years at a time.

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

²⁹ Amended by Second Amendment

³⁰ Omitted by Some Nepal Laws Amendment Act, 2063.

³¹ Inserted by Some Nepal Laws Amendment Act, 2063.

³² Omitted by Second Amendment

(6) The Rector shall carry out functions of the Vice-chancellor until the arrangement pursuant to Sub-section (5) is made.

(7) The Vice-chancellor shall be the full-time working paid official. His/her remuneration and conditions of service shall be as prescribed.

(8) The Vice-chancellor shall be the chief administrative and educational official of the University.

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

(10) The Vice-chancellor shall have the duty to abide by or cause to abide by this Act and Rules made thereunder and for this purpose he/she may carry out an appropriate and necessary function if in his/her opinion it is an emergency and it has to be done immediately and a notice thereof shall be provided as soon as possible to the concerned official or institution.

(11) The Vice-Chancellor shall execute the decision and direction of the Senate.

(12) The Vice-chancellor shall have general control over all the functions and proceedings of the University.

(13) All the proposals (matters) to be submitted to the Senate shall be submitted through the Vice-chancellor.

(14) The other functions, duties and powers of the Vice-

Chancellor shall be as prescribed.

17. **Rector:** ³³(1) The Rector of the University shall be appointed by the Chancellor for Four years at a time on the recommendation of the Vice-Chancellor.

(2) The Rector shall be the full-time working paid official.

(3) The Chancellor shall appoint the Registrar to work as Rector in absence of the Rector.

(4) The Rector shall authenticate the decision or order of the Senate.

(5) The academic administration shall be under the supervision of the Rector.

(6) Other Functions, Duties and Powers, Remuneration and conditions of service of the Rector shall be as prescribed.

18. **Registrar (Kul Sachib):** (1) The Registrar of the University shall be appointed by the Chancellor for Four years at a time on the recommendation of the Vice-Chancellor.

(2) The Registrar shall be the full-time working paid official.

(3) The general administration fund of the University shall be under the supervision of Registrar and he/she shall provide his/her opinion to the Senate relating to financial policy to be adopted by the University as he/she feels appropriate.

³³ Amended by First Amendment.

(4) The Registrar shall have the responsibility to prepare annual income and expenditure of the University, registration of the name of the students and manage the certificate.

(5) The Registrar shall cause to examine the ledger (accounts) of the University and submit such report to the Senate.

(6) Other Functions, Duties and Powers, Remuneration and conditions of service of the Registrar shall be as prescribed.

19. **Pracharya and other Officials**: The condition of services, functions, duties and powers of the *pracharya* and other official as referred to in Clauses (e) and (f) of Section 13 shall be as prescribed.

³⁴19A. **Duration for appointments**: Notwithstanding anything contained elsewhere in this Act, if any post of any official is vacant, the concerned official shall appoint those officials within Three months from the date of such vacancy.

³⁵19B. **To depute for responsibility**: Notwithstanding anything contained elsewhere in this Act, if any post of the University is vacant, the Chancellor on the recommendation of the Pro-chancellor shall depute to take the responsibility of the Vice-chancellor and the Vice-chancellor shall depute to take the responsibility of any official to any senior professor for a period of Three months to run the daily business till the vacancy is fulfilled.

³⁴ Inserted by Some Nepal Laws Amendment Act, 2064.

³⁵ Inserted by Some Nepal Laws Amendment Act, 2064.

20. **Fund of the University and its operation and use:** (1) There shall be a fund of the University and the fund shall consist of the following amounts:

- (a) The amount provided to the University by Government of Nepal,
- (b) The loan amount received by the University.
- (c) The whole amount received for the University.
- (d) The amount given as donation and financial assistance for the University,
- (e) The amount received from monthly fees and other source.

(2) The amount of the fund of the University shall be deposited in an account opened in the prescribed bank.

(3) The operation of the fund of the University shall be as prescribed.

(4) The amount of the University shall be used in the prescribed functions.

21. **Annual estimate of income-expenditure and account:** (1) The annual income and expenditure and supplementary estimates of the University shall be submitted in the Senate through the Registrar.

(2) The account of the University shall be maintained as prescribed.

³⁶22. **Auditing**: The audit of the accounts of the University shall be carried out by the ³⁷Auditor General.

23. **Institute of Sanskrit shall be converted to Bidyapitha**: (1) An educational institution under the Institute of Sanskrit, operated in Nepal at the time of the commencement of this Act, shall be converted to the *Bidyapitha* after the commencement of this Act.

24. ³⁸

25. ³⁹

26. **Examination Committee**: An Examination Committee as prescribed shall be constituted for the management relating to operation of all examination of the University.

27. ⁴⁰

28. **Functions, Duties and Powers of the Examination Committee**: The functions, duties and powers of the Examination Committee shall be as prescribed.

29. **Qualification Required for Admission to the University**: The students who have passed the following examination shall be admitted in the University

(a) Passed in the School leaving Certificate Examination on

³⁶ Amended by First Amendment.

³⁷ Amended by Second Amendment.

³⁸ Repealed by Second Amendment.

³⁹ Repealed by Second Amendment

⁴⁰ Repealed by Second Amendment

prescribed subjects and standards,

(b) Any other examination which the University determine as equal as Clause (a).

30. **Annual Report**: The annual report of the University shall be submitted to the Senate within the prescribed time and the Senate shall pass such report with or without amendment in its annual meetings.
31. **Nomination**: A nomination and fulfilling the vacant post of the members pursuant to this Act shall be as prescribed.
32. **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 or constitution of any body of the University.
33. **Dispute on condition of service**: If any dispute arises in relation to condition of service between the University and any official, teacher or employee, the dispute shall be decided as prescribed.
34. **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 officials with regard to any act done or purported to be done in good faith in accordance with Act.
- ⁴¹34A. **Liaison with Government of Nepal**: Ministry of Education and Sports shall liaison the University with the Government of Nepal.

⁴¹ Inserted by Second Amendment.

35. **Rebate and facility to the University**: Notwithstanding anything contained elsewhere in the prevailing laws, the registration fees shall not be levied to the University in the course of registration of any document of the University.

⁴²35A. **Approval to be obtained**: Notwithstanding anything contained in this Act, approval of the Government of Nepal shall be taken while framing Rules or performing any act in case such matter causes additional financial burden to the Government of Nepal.

36. ⁴³**Power to Frame Rules**: The University may frame necessary ⁴⁴**Rules** for the implementation of the objectives of this Act.

⁴² Inserted by Some Nepal Laws Amendment Acts, 2064

⁴³ Amended by Second Amendment.

⁴⁴ Amended by Second Amendment.