

Purwanchal University Act, 2050 (1994)

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| 1. Some Nepal laws Amendment Act, 2063 | 2063.6.28 |
| 2. Some Nepal Acts Amendment Act, 2064 | 2064.5.19 |

Act No 32 of 2050 (1994)

An Act to make provisions relating to the Purwanchal University

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

Be it enacted by Parliament in the 22nd year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. **Short Title and Commencement:** (1) This Act may be called as the "Purwanchal University Act, 2050 (1994)".

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

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

(a) "University" means the Purwanchal University established pursuant to Section 3.

* As appointed to be commenced from 2051-4-1 (July 16, 1994)

- (b) "Senate" means the University Senate as referred to in Section 7.
- (c) "Academic Council" means the Academic Council as referred to in Section 10.
- (d) "Executive Council" means the Executive Council as referred to in Section 12.
- (e) "Dean" means the chief of the faculty establish under the University.
- (f) "Campus" means the constituent campus of the University and includes any campus affiliated to the University.
- (g) "Teacher" means the Professor, Reader, Lecturer and Assistant Lecturer engaged in providing education or conducting research at the University and this word also includes the instructors of various levels at the University and the person specified as Teacher in the Regulation made under this Act.
- (h) "Service Commission" means the Service Commission as referred to in Section 19.
- (i) "Education Council" means the Education Council under section 29.
- (j) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

3. **Establishment of the University:** (1) The Purwanchal University is hereby established for the operation of higher level educational institutions of Arts, Science, Law, Management, Education, Technical and other prescribed subjects.

(2) The Central Office of the University shall be located in the Biratnagar of Eastern Development Region.

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

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

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

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

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

- (a) Senate,
- (b) Academic Council,
- (c) Executive Council,
- (d) Resource Council,
- (e) Campus,
- (f) Faculty,
- (g) Service Commission,
- (h) 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) Registrar,
- (e) Dean,

- (f) Chairperson of the Service Commission,
- (g) Other officials as prescribed.

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

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

- (a) Chancellor - Chairperson
- (b) Pro-Chancellor - Vice-Chairperson
- (c) Vice-Chancellor - Member
- (d) Three persons from amongst the Members of Parliament of the Eastern Development Region - Member
- (e) Vice-Chancellors of other Universities - Member
- (f) Member, National Planning Commission (Education Sector) - Member
- (g) Secretary, Ministry of Education, Cultural and Social Welfare - Member
- (h) Secretary, Ministry of Finance - Member
- (i) Five persons from amongst the renowned intellectual - Member
- (j) Deans - Member
- (k) Four persons from amongst the Mayors of the Municipalities of Eastern Development Region including the Mayor of Municipality where the Central Office is located - Member
- (l) Six persons from amongst the Campus Chiefs - Member
- (m) Three persons from amongst the Chairperson of the Subject Committees of the University - Member
- (n) Five Teachers elected from the election body of Campus Unit Chief and - Member

- Secretary of Nepal Professor Union of the University on the basis of proportional electoral system
- TM(n1) Representative of Nepal Professor's Union - Member
- (n2) Representative of Professor's Union of Purwanchal University - Member
- (o) Four persons from amongst the Presidents of the District Development Committees of Eastern Development Region including the President of the District Development Committee where Central Office is located - Member
- (p) Representative of Academic Council - Member
- (q) Representative of Resource Council - Member
- (r) Three persons from amongst those who are fond of education and social workers - Member
- (s) Six persons from amongst the industrialists, traders and farmers - Member
- (t) Two persons from amongst the donors -Member
- (u) Two person from the presidents of the Free Student Unions of the Campus - Member
- (v) Chief of the Research Center -Member
- (w) Registrar -Member-Secretary

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

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

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

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

(3) Other procedures relating to the meeting of the Senate shall be as prescribed and the procedures relating to meeting shall be determined by Senate itself until so prescribed.

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.
- (c) To conduct and manage or to cause to conduct and manage academic programs of the University.
- (d) To make or cause to make necessary arrangements relating to the establishment and affiliation of campuses.
- (e) To determine the degrees to be conferred by the University.
- (f) To approve annual budget and programs of the University.
- (g) To approve Bye-laws relating to University.
- (h) To issue directions and to provide guidelines to the constituent campuses of the University and the campuses affiliated to the University.
- (i) To discuss on annual reports of bodies under the University and to evaluate programs.
- (j) To discuss on audit report and to approve

- (k) To determine or cause to determine educational and administrative policies of the bodies under the university.
- (l) To allow the University to launch a new program.
- (m) To fix the terms and condition of the official, employees and teachers of the University.
- (n) To constitute various committees, sub-committees or task-forces as per the need of the University.
- (o) To perform other functions as may be prescribed.

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

(a)	Vice-Chancellor	- Chairperson
(b)	Registrar	-Member
(c)	Deans	-Member
(d)	Five persons from amongst the chairmen of various subject committees of the University	-Member
(e)	Chief of Curriculum Research and Development Center	-Member
(f)	Chiefs of the Research Division and Planning Divisions of the University	-Member
(g)	Two persons from amongst the Senior Professor- Member	-Member
(h)	Four persons from amongst the Campus Chiefs - Member	-Member
(i)	Two persons from amongst the renowned intellectual	-Member
(j)	The Dean designated by the Vice-Chancellor from amongst the Deans	-Member Secretary

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

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

(4) Procedures relating to the meeting of the Academic Council shall be as prescribed and the procedures relating to meeting 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 the curriculum of the University and to approve.
- (b) To fix the modes of examination.
- (c) To determine the qualifications and numbers relating to the admission of students.
- (d) To formulate policies relating to research and to approve the research programs.
- (e) To evaluate the academic programs of the students.
- (f) To determine the standard of teaching and research.
- (g) To arrange the honorary degree
- (h) To perform such other functions as prescribed.

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

- (a) Vice-Chancellor -Chairperson
- (b) Two persons from amongst the Deans -Member
- (c) One person from amongst the Campus Chiefs who are members of the Senate -Member

(d) Registrar -Member-Secretary

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

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

(4) Procedures relating to the meeting of the Executive Council shall be as prescribed and the procedures relating to meeting 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 carry or cause to carry out the functions of the University under the National Education Policy,
- (c) To prepare annual programs, budget, progress report, auditing report and other resolutions and to introduce them in to the Senate for approval,
- (d) To carry out other functions as prescribed.

14. **Resource Council**: (1) There shall be a Resource Council consisting of the following member to carried out the management of physical and economic resource of the University.

- (a) Person nominated from the Executive -Chairperson
Council
- (b) Three persons from amongst the -Member
Deans
- (c) Three persons from amongst the -Member
Campus Chief
- (d) Eight persons from amongst the -Member

industrialists, traders and farmers

- (e) Four persons from amongst the Mayors of the Municipalities of Eastern Development Region - Member including the Mayor of Municipality where the Central Office is located
- (f) Four persons from amongst the Presidents of the District Development Committees of Eastern Development Region including the President of the District Development Committee where Central Office is located
- (g) Three persons from amongst the - Member renowned intellectual
- (h) Registrar -Member-Secretary

(2) The members other than the *ex-officio* members shall be nominated by the Executive Council.

(3) Except the *ex-officio* members, the term of office of the other members shall be of Three years and they may be re-appointed after the expiry of the term.

(4) Procedures relating to the meeting of the Resource Council shall be as prescribed and the procedures relating to meeting shall be determined by the Resource Council itself until so prescribed.

15. **Function, Duties and Powers of the Resource Council**: The function, duties and powers of the Resource Council shall be as prescribed.
16. **Operation of Campuses**: (1) The University may, in order to impart higher education, establish and operate campuses of various subjects according to the National Education Policy.

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

17. **Provision Relating to Transfer of Campus:** (1) If, any campus of Nepal, operated as constituent campus of Tribhuvan University at a time of commencement of this Act, desires its transfer to the University as constituent campus, may be transferred to the University as per the approval of Tribhuvan University on the prescribed condition.

(2) The University may provide affiliation to any campus which is affiliated to Tribhuvan University at a time of commencement of this Act, on the basis of agreement.

(3) The campus interested to get affiliation from the University pursuant to Sub-section (2) shall provide pre-information to the Tribhuvan University.

(4) The other provisions relating to transfer and affiliation shall be as prescribed.

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

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

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

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

(2) The Chancellor shall constitute a committee in the Chairmanship of Pre-Chancellor and two member of Senate for the recommendation of the

Chairperson and the member referred to in Clauses (a) and (c) of Sub-section (1) and the Chancellor shall appoint Chairman and Member on the recommendation of such committee.

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

(4) Procedures relating to the meeting of the Service Commission shall be as prescribed and the procedures relating to meeting shall be determined by Service Commission itself until so prescribed.

20. **Other Functions, Duties and Powers of the Service Commission:** Other functions, duties and powers of the service commission shall be as prescribed.

21. **Remuneration and Facilities of the Chairperson:** Remuneration and facilities of Chairperson of the Service Commission shall be as prescribed.

22. **Chancellor:** (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.

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

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

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

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

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

and the Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the committee.

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

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

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

(a) The Vice-Chancellor shall have general control over all functions and activities of the University and he/she may give direction and inspect the functions of the University.

(b) The Vice-Chancellor shall or cause to implement the decision and directions of the Senate.

(c) The Vice-Chancellor shall carry out the functions other than those which are so mentioned to be carried out by any agency or official under this Act or Rules framed thereunder. The Vice-Chancellor shall immediately inform to the Chancellor about such functions and shall be approved by the meeting of the Senate to be held immediately thereafter.

(d) All the matters to be introduced to the Senate shall be introduced through Vice-Chancellor.

(e) Other functions duties and powers of the Vice-Chancellor shall be as prescribed.

26. **Registrar:** (1) The Registrar of the University shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor.

(2) The Registrar shall be the official working for the full time at the University.

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

(4) The functions, duties, powers, remuneration, facilities and conditions of service of the Registrar shall be as prescribed.

27. **Dean**: (1) The Dean shall be appointed by the Vice-Chancellor.

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

(3) The functions, duties and powers and remuneration, facilities and conditions of the Dean shall be as prescribed.

28. **Other Officials of University**: (1) There shall be other officials at the University as prescribed.

(2) The appointment, functions, duties, powers and remuneration, facilities and conditions of service of other officials shall be as prescribed.

◇28A. **Time for Appointment**: Notwithstanding anything contained in this Act, the concerned Authority shall appoint in the vacant post of the University within three months of such vacancy.

◇28B. **Responsibility to be fixed**: Notwithstanding anything contained in this Act, if a post is vacant in the University, Chancellor, in case of Vice-chancellor, in consultation of the Pro-chancellor and Vice-chancellor in case of any other Authority, shall designate any of the senior (most) Professor to that post to conduct daily business for a period of three months till the date of fulfillment of the vacant post.

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

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

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

◇ Inserted by Some Nepal Acts Amendment Act, 2064

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

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

31. **Fund of the University:** (1) there shall be a separate fund of the University and the fund shall consist of the following amounts:

- (a) Grants received from Government of Nepal,
- (b) The amount given by any person or organization as donation, charity and financial assistance,
- (c) The amount received as assistance and donation by concerned person, organization.
- (d) The amount received as assistance and donation by District Development Committee, Municipality, Village Development Committee of Eastern Development Area.
- (e) The amount received as assistance or loan from foreign government, international organizations, associations or financial institutions.
- (f) Fees or the amount to be received from any other source.

(2) While receiving any amount pursuant to Sub-section (e) of Sub-section (1), the University shall have to obtain approval of Government of Nepal.

(3) The amount of the fund of the University shall be deposited in an account opened with the prescribed bank and the operation account of the University shall be as prescribed.

(4) All the expenditure of University shall be borne by fund pursuant to Sub-section (1).

32. **Accounts and Auditing:** (1) The accounts of incomes and expenditures of the University shall be kept in accordance with the prevailing laws.

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

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

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

35. **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.

36. **Delegation of Power:** (1) The Senate may delegate any or all of the powers conferred on it under this Act or the Rules framed hereunder to the Executive Council, Research Council, Campus, Faculty, any Official, Academic Council, Education Council or any Committee, Sub-committee or working group, constituted as per this Act.

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

37. **Liaison with Government of Nepal**: Ministry of Education, Cultural and Social Welfare shall liaison the University with the Government of Nepal.
38. **Consequence of Dissolution**: In the event of dissolution of the University, its movable and immovable properties shall devolve on Government of Nepal.
- 38A. **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.
39. **Power to Frame Rules** : For the implementation of the objectives of this Act, the University may frame necessary Rules.