

# **Tribhuvan University Act, 2049(1992)**

## **Date of Authentication**

**2049.9.22 (Jan. 6, 1993)**

## **Amendment Acts**

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|---|---------------------------|
| 1. Some Nepal Laws Amendment Act, 2063 (2006) | 2063.6.28 (Oct. 14, 2006) |
| 2. Some Nepal Acts Amendment Act, 2064 (2007) | 2064.5.9 (Aug. 26, 2007)  |

## **Act number 46 of the year 2049 (1992)**

### **An Act Made to Provide for Tribhuvan University**

**Preamble:** Whereas, it is expedient to further strengthen Tribhuvan University established in 2016(1959), as a pious and permanent commemorator of the Father of Nation late His Majesty Tribhuvan Bir Bikram Shah Dev, in pursuance of the desire of Her Majesty Great Queen Mother Kanti Rajya Laxmi Shah and Her Majesty Youngest Great Queen Mother Ishwori Rajya Laxmi Shah, in the course of making extensive and empirical and timely the knowledge and research in the fields of arts, science, technology and vocation, so as to prepare capable human resources required for the overall development of Nepal, impart standard higher education, do research works on various fields, protect and develop national culture and tradition;

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**

- Short title and commencement:** (1) This Act may be called as the "Tribhuvan University Act, 2049(1992)".  
(2) This Act shall come into force immediately.
- Definitions:** Unless the subject or the context otherwise requires, in this Act:
  - "University" means the Tribhuvan University.
  - "Assembly" means the University Assembly as referred to in Section 8.
  - "Academic Council" means the Academic Council as referred to in Section 11.

- (d) "Executive Council" means the Executive Council as referred to in Section 13.
- (e) "Service Commission" means the service commission as referred to in Section 15.
- (f) "Institute" means any institute as referred to in this Act.
- (g) "Faculty" means any faculty as referred to in this Act.
- (h) "Research Center" means any research center as referred to in this Act.
- (i) "Dean" means the chief of an Institute or Faculty.
- (j) "Executive Director" means the chief of the Research Center.
- (k) "Teacher" means any professor, reader, lecturer and assistant lecturer engaged in imparting education or research works in the University, and this term includes instructors of the University at various levels and such person prescribed as a teacher in the Rules framed under this Act.
- (l) "Department" means a central department or department as referred to in this Act.
- (m) "Department" means a central department or department as referred to in this Act.
- (n) "Constituent Campus" (Constituent College) means any constituent campus (constituent college) of the University.
- (o) "Affiliated Campus" (Affiliated College) means any campus affiliated (college affiliated) to the University.
- (p) "Education Council" means the education council established pursuant to this Act.
- (q) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules or Manual framed under this Act.

## Chapter-2

### **Establishment, Powers, Functions and Duties of University**

3. **Tribhuvan University to continue to exist:** (1) Tribhuvan University established prior to the commencement of this Act shall continue to exist as if it were established under this Act.

(2) The central office of the University shall be situated in Kathmandu.

4. **University to be autonomous body:** (1) The University shall be an autonomous body corporate with perpetual succession.

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

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

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

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

(a) To provide for Institutes, Faculties, Research Centers and Departments to manage and operate such various teaching, trainings and research works as prescribed for the development of higher education, and look after and inspect them.

(b) To give certificates, as prescribed, to the students, trainees or researchers who have pursued the prescribed higher education from any Constituent Campus (Constituent College) and Affiliated Campus (Affiliated College) and award honorary degrees to dignitaries.

(c) To give approval to establish any campus at the private sector and grant affiliation to any campus and to determine such facilities and support as may be provided by the University to such affiliated campus.

- (d) To maintain relations with native or foreign universities or educational institutes.
- (e) To obtain financial assistance from any native or foreign academic, educational or other institute and person and exchange educational programs.
- (f) To arrange for awarding scholarships, medals and prizes.
- (g) To manage and launch various sports and welfare programs under the University.
- (h) To frame such Rules as required for the University.
- (i) To perform other functions related with the University.

### **Chapter-3**

#### **Organizational Structure, Office-bearers and University Assembly of University**

- 6. Organization of University:** The organization of the University shall be as follows. These collectively form the structure of the University.
- (a) University Assembly.
  - (b) Academic Council,
  - (c) Executive Council,
  - (d) Service Commission,
  - (e) Institute,
  - (f) Faculty,
  - (g) Department,
  - (h) Constituent Campus (Constituent College),
  - (i) Affiliated Campus (Affiliated College),
  - (j) Research Center, and
  - (k) Other bodies.
- 7. Office-bearers:** The University shall have the office-bearers as follows:
- (a) Chancellor,
  - (b) Pro-chancellor,

- (c) Vice-chancellor,
- (d) Chairperson, Service Commission,
- (e) Rector,
- (f) Registrar,
- (g) Dean,
- (h) Executive Director,
- (i) Assistant Dean,
- (j) Campus (College) Chief,
- (k) Other prescribed office-bearers.

**8. Formation of University Assembly:** (1) There shall be a University Assembly as the supreme body of the University.

(2) The University Assembly shall be formed as follows:

- (a) Chancellor -Chairperson
- (b) Pro-chancellor -Vice-chairperson
- (c) Vice-chancellor -Member
- (d) Three persons from amongst Members of Parliament -Member
- (e) Two persons from amongst the Vice-chancellor of Nepal Academy, Vice-chancellor of Nepal Academy of Science and Technology and vice-chancellors of other universities -Member
- (f) Rector -Member
- (g) Registrar -Member
- (h) Secretary at the Ministry of Education and Culture -Member
- (i) Secretary at the Ministry of Finance -Member
- (j) Member, National Planning

- Commission (Responsible for Education Sector) -Member
- (k) One from amongst former Vice-chancellors -Member
- (m) Deans of Institutes -Member
- (n) Faculty Deans -Member
- (o) Executive Directors of Research Centers -Member
- (p) Five persons from amongst Departmental Heads -Member
- (q) Five Teachers elected by an electorate college of presidents and secretaries of Nepal Teachers Union Campus Units of Tribhuvan University, through proportional single transferable voting system
- Explanation: A Teacher who wishes to be a candidate for the election of member under this Clause must have been engaged in the permanent service of the University for at least fifteen years. -Member
- (q1)<sup>⊗</sup> One Representative of the Tribhuvan University Professors Association -Member
- (q2)<sup>⊗</sup> One Representative of Nepal Public Campus Association -Member
- (r) Two persons from amongst the Campus

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<sup>⊗</sup> Inserted by Some Nepal Laws Amendment Act, 2063.

- (College) Chiefs of Constituent  
Campuses (Constituent Colleges) -Member
- (s) Two persons from amongst the Campus  
(College) Chiefs of Affiliated  
Campuses (Affiliated Colleges) -Member
- (t) One representative of Nepal Teachers'  
Union -Member
- (u) Two persons from amongst renowned  
intellectuals or dignitaries -Member
- (v) Two persons from amongst the  
presidents of University free student  
unions -Member
- (w) One from amongst journalists -Member
- (x) One representative of the Central  
Committee of University Teachers'  
Union -Member
- (y) Two persons from amongst the  
industrialists, business persons and  
donors -Member

(3) The members of the Assembly, other than the elected and ex-officio members, shall be nominated by the Chancellor on recommendation of the Executive Council.

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

Provided that, where a nominated member ceases to hold the post by virtue of which he/she has been nominated, such member shall *ipso facto* cease to be the member of the Assembly.

**9. Meeting of Assembly:** (1) The Assembly shall generally hold its meeting at least twice a year.

Provided that, a special meeting of the Assembly can be convened in the event of necessity.

(2) The meeting of the Assembly shall be presided over by the chairperson of the Assembly. The meeting of the Assembly shall be presided over by the vice-chairperson in the absence of the chairperson.

(3) The presence of fifty percent members of the total number of members of the Assembly shall be deemed to constitute a quorum for a meeting of the Assembly.

Provided that, the presence of one third members of the total number of members of the Assembly at a meeting reconvened following its adjournment owing to the lack of a quorum shall be deemed to constitute a quorum for the meeting.

(4) Other Rules of procedure of the meeting of the Assembly shall be as determined by the Assembly itself.

**10. Functions, duties and powers of Assembly:** The functions, duties and powers of the Assembly shall be as follows:

- (a) To give guidance to the University.
- (b) To set policies of the University.
- (c) To give necessary direction to any body or office-bearer under the University.
- (d) To approve the annual budget and program of the University.
- (e) To approve the long-term plan of the University.
- (f) To adopt decisions relating to the University.
- (g) To form any special committee and commission as required.
- (h) To perform such other functions as prescribed.



## Chapter-4

### Academic Council

11. **Formation of Academic Council:** (1) There shall be an Academic Council consisting of the following members to act as an academic body of the University:

- |   |                   |
|---|-------------------|
| (a) Vice-chancellor   | -Chairperson      |
| (b) Rector  | -Vice-chairperson |
| (c) Registrar   | -Member           |
| (d) Deans of Institutes   | -Member           |
| (e) Faculty Deans   | -Member           |
| (f) Ten persons from amongst the chairpersons of subject committees in such manner as to have representation of at least one each from Faculty and Institute. | -Member           |
| (g) Two persons from amongst the Campus (College) Chiefs of Constituent Campuses (Constituent Colleges)   | -Member           |
| (h) Two persons from amongst the Campus (College) Chiefs of Affiliated Campuses (Affiliated Colleges)   | -Member           |
| (i) Executive Director of Curriculum Development Center   | -Member           |
| (j) Executive Director of Research Center   | -Member           |
| (k) One representative of the Nepal Professors' Union   | -Member           |
| (l) Two renowned intellectuals  | -Member           |
| (m) Controller, Examinations Control Office, University   | -Member           |
| (n) Five persons from amongst the Departmental Heads  | -Member           |

- (o) Ten persons from amongst senior Teachers of  
University -Member

(2) The members referred to in Clause (f) of Sub-section (1) shall be nominated for two years by the Vice-chancellor on recommendation of the Deans of the Faculties and Institutes concerned.

(3) The nomination of the nominated members, other than the members referred to in Clause (f) of Sub-section (1), shall be made by the Vice-chancellor for two years on recommendation of the Executive Council.

(4) The Vice-chancellor may designate any one of the Deans to act as the secretary of the Academic Council.

**12. Functions, duties and powers of Academic Council:** The functions, duties and powers of the Academic Council shall be as follows:

- (a) To arrange for degrees to be awarded by the University.
- (b) To set curricula of the subjects of which study, research and training are to be conducted under the University.
- (c) To specify the types of examination.
- (d) To prescribe qualification required to have admission for any subjects offered by the University for study, teaching and research and prescribe for admission criteria.
- (e) To give advice and suggestion to the Executive Council on academic issues.
- (f) To determine policies on research.
- (g) To make endorsement or give direction for the recommendations and decisions made by the Academic Council of the University for their implementation.
- (h) To perform such other functions as prescribed.

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

- |  |                   |
|--|-------------------|
| (a) Vice-chancellor  | -Chairperson      |
| (b) Rector   | -Member           |
| (c) One person from amongst the Deans of<br>Institutes         | -Member           |
| (d) One person from amongst the Faculty Deans                  | -Member           |
| (e) Two persons from amongst the Teachers of<br>the University | -Member           |
| (f) Registrar  | -Member secretary |

(2) The members referred to in Clauses (c), (d) and (e) of Sub-section (1) shall be nominated for two years by the Assembly on recommendation of the Vice-chancellor.

**14. Functions, duties and powers of Executive Council:** The functions, duties and powers of the Executive Council shall be as follows:

- (a) To implement, or cause to be implemented, the decisions of the Assembly.
- (b) To prepare annual budget, progress statements, audit reports, other reports and proposals of the University and submit the same to the Assembly for approval or endorsement.
- (c) To operate, protect and look after the movable and immovable properties of the University.
- (d) To receive financial and other assistance provided to the University.
- (e) To execute any agreement, contract or lease agreement to transfer title to or exchange any movable and immovable property of the University.
- (f) To determine student fees.
- (g) To grant affiliation, as prescribed, to the campuses (colleges) run by the private sector and make recommendation, based on evaluation, for grants to the affiliated campuses (colleges).

- (h) To draft Rules and submit the same to the Assembly for approval, and enforce them once they are approved by the Assembly.
- (i) In order to manage internal functions in the course of implementing the purposes of the Act, to so issue orders on those matters which are not set out in the Rules as not to be contrary to the Act.

Provided that, such orders shall *ipso facto* be void if the Assembly held thereafter does not approve them.

- (j) To specify the positions of Teachers and employees of the University and appoint and promote them on recommendation of the Service Commission.
- (k) To appoint Deans, Executive Directors, Central Departmental Heads and Campus (College) Chiefs.
- (l) To perform such other functions as prescribed.

## **Chapter-6**

### **Service Commission**

**15. Service Commission:** (1) There shall be formed an impartial and independent Service Commission consisting of the following members to make recommendation for the appointment and recommendation of the Teachers and employees of the University:

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

(2) The Chancellor shall form a committee under the chairpersonship of the Pro-chancellor and consisting of two members of the Assembly as its members to make recommendation for the appointment of the chairperson and member pursuant to Clauses (a) and (c) of Sub-section (1); and the chairperson and member shall be appointed by the Chancellor on recommendation of that committee.

(3) The term of office of the chairperson and the nominated member of the Service Commission shall be three years.

(4) The functions, duties, powers and Rules of procedures of the Service Commission shall be as prescribed.

(5) The Service Commission shall take academic competency and experience as the main grounds for making appointment and promotion of Teachers, and administrative efficiency and experience as the main grounds for making appointment and promotion of employees.

(6) The functions, duties, powers and remuneration, facilities and other terms of service of the chairperson and the members of the Service Commission shall be as prescribed.

## **Chapter-7**

### **Office-bearers of University**

- 16. Chancellor:** <sup>⊗</sup>(1) Prime Minister shall be the Chancellor of the University.
- (2) The Chancellor shall be the chief of the University and chairperson of the Assembly. If he is present, he shall take seat of chairperson at a meeting of the Assembly and convocation ceremony of the University.
- (3) The Chancellor may inspect the University or any thing or matter related with the University and give direction.
- 17. Pro-chancellor:** (1) The Minister for Education and Culture shall be the Pro-chancellor of the University.
- (2) In the absence of the Chancellor, the Pro-chancellor shall chair a meeting of the Assembly and convocation ceremony of the University.
- (3) The Vice-chancellor may, as per necessity, inspect the University and give direction.
- 18. Vice-chancellor:** (1) The Vice-chancellor shall be the chief office-bearer to act whole-time for the University.

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<sup>⊗</sup> Inserted by Some Nepal Laws Amendment Act, 2063.

(2) The Chancellor shall form a committee under the chairpersonship of the Pro-chancellor and consisting of two members of the Assembly as its members to make recommendation for the appointment of the Vice-chancellor of the University; and the Vice-chancellor shall be appointed by the Chancellor on recommendation of that committee.

(3) The term of office of the Vice-chancellor shall be four years. His/her remuneration, facilities and other terms of service shall be as prescribed.

(4) The Vice-chancellor shall exercise general control over all activities of the University and may direct and look after the activities of the University.

(5) The Vice-chancellor shall implement, and caused to be implemented, the decisions and directions of the Assembly.

(6) In the absence of both the Chancellor and the Pro-chancellor, the Vice-chancellor shall chair a meeting of the Assembly and convocation ceremony of the University.

(7) The Vice-chancellor shall perform all functions other than those functions as specified to be performed by any body or office-bearer pursuant to this Act or the Rules framed under this Act. The Vice-chancellor shall immediately give information of such functions to the Chancellor and get them endorsed by the meeting of the Assembly held immediately thereafter.

(8) Other functions, duties and powers of the Vice-chancellor shall be as prescribed.

**19. Rector:** (1) The Rector shall be appointed by the Chancellor on recommendation of the Vice-chancellor.

(2) The Rector shall be the office-bearer to act whole-time for the University.

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

(4) In the absence of the Rector, the Vice-chancellor shall appoint any one of the Deans to perform the functions to be performed by the Rector.

(5) The remuneration, facilities and other terms of service of the Rector shall be as prescribed.

(6) The Rector shall look after and coordinate educational, academic and research works of the University.

(7) In the absence of the Vice-chancellor, the Rector shall perform the functions of the Vice-chancellor.

(8) The Rector shall look after the functions of educational and academic bodies of the University.

(9) The Rector shall make plans and programs for the enhancement of educational and academic standards.

(10) The Rector shall authenticate the decisions or orders of the Assembly.

(11) Other functions, duties and powers of the Rector shall be as prescribed.

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

(2) The Registrar shall be the office-bearer to act whole-time for the University.

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

(4) In the absence of the Registrar, the Vice-chancellor shall appoint any one of the Deans to perform the functions to be performed by the Registrar.

(5) The remuneration, facilities and other terms of service of the Registrar shall be as prescribed.

(6) The Registrar shall look after the general administration and fund of the University and he/she shall give to the Assembly such advice which

he/she considers appropriate on financial policies to be adopted by the University.

(7) The Registrar shall be responsible for preparing annual estimates of incomes and expenditures of the University, registering name of students, holding examinations and arranging for certificates.

(8) The Registrar shall get audited the accounts of the University as prescribed and submit reports thereof to the Assembly.

(9) Other functions, duties and powers of the Registrar shall be as prescribed.

**21. Deans, Executive Directors and Other Office-bearers:** The appointment, functions, duties, powers, remuneration, facilities and other terms of service of the Deans, Executive Directors and other Office-bearers shall be as prescribed.

◇21A. **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.

◇21B. **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.

**22. Establishment and Operation of Research Centers:** There may be established various research centers, as required, for educational, academic and research works in the University. The establishment, functions, duties, powers and operation of such centers shall be as prescribed.

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◇ Inserted by Some Nepal Acts Amendment Act, 2064



23. **Formation, Functions, Duties and Powers of Education Council:** The formation, functions, duties and powers of the *Education Council* shall be as prescribed.

## **Chapter-8**

### **Fund, Accounts and Audit of University**

24. **Fund of University:** (1) The University shall have a fund.
- (2) The following amounts shall be credited to the fund as referred to in Sub-section (1):
- (a) Amounts received from Government of Nepal of Nepal,
  - (b) Amounts borrowed by the University,
  - (c) Amounts received as grants, donations and financial assistance for the University,
  - (d) Fees and amounts received from other sources.
- (3) The moneys of the fund shall be deposited in an account to be opened with the prescribed bank.
- (4) The fund and account of the University shall be operated as prescribed.
- (5) All the expenditures of the University shall be chargeable on the fund as referred to in Sub-section (2).
25. **Accounts and audit:** (1) The accounts of the incomes and expenditures of the University shall be maintained in accordance with the prevailing law.
- (2) The audit of accounts of the University shall be performed by the Office of the Auditor General.
26. **Establishment of Campus (College) at Private Sector and Affiliation Thereto:** (1) A campus (college) can be established at the private sector, with the approval of the University.
- (2) A campus (college) established pursuant to Sub-section (1) has to be affiliated to the University as prescribed.

(3) The structure/framework of the campus (college) affiliated pursuant to Sub-section (2) and financial assistance to be received by such campus (college) shall be as prescribed.

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

28. **Act not to be invalid:** Where an act has been done after the seat of any office-bearer of the University or on occurrence of any error in the appointment of any office-bearer and formation of any organ, such act shall not be invalid merely on such ground.

29. **Saving of act done in good faith:** No lawsuit shall be instituted or any other legal action taken against the University or any office-bearer of the University for any Act done or purported to be done in good faith pursuant to this Act.

30. **Delegation of powers:** (1) The Assembly may delegate any or all of the powers conferred to it under this Act or the Rules framed under this Act to the Executive Council or the Vice-Chancellor.

(2) The Academic Council may delegate any or all of the powers conferred to it under this Act or the Rules framed under this Act to the Education Council.

(3) The Executive Council may delegate any or all of the powers conferred to it under this Act or the Rules framed under this Act to any office-bearer of the University or any committee of the University.

(4) The Service Commission may delegate any or all of the powers conferred to it under this Act or the Rules framed under this Act to any committee of the University.

31. **Liaison with Government of Nepal:** Where the University has to make contact with Government of Nepal, it shall do so through the Ministry of Education and Culture.

32. **Annual Report:** The annual report shall be presented in the Assembly within the prescribed period.
33. **Exemptions and Facilities to University:** (1) Notwithstanding any thing contained in the prevailing law, the registration of any such deeds of the University as required to be registered shall be exempted from registration fees.
- (2) The donations, gifts, grants received by, any income source and properties of the University shall be exempted from any kind of tax.
- ◇33A. **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.
34. **Powers to Frame Rules:** The University may frame necessary Rules for the implementation of the objectives of this Act.
35. **Repeal and Saving:** (1) The Tribhuvan University Act, 2028 (1971) is hereby repealed.
- (2) All receivables and payables, transactions, loans, assets as well and rights and obligations of the Tribhuvan University existing at the time of commencement of this Act shall devolve on the University as referred to in this Act.
- (3) The Rules and Regulations framed under the Tribhuvan University Act, 2028 (1971) shall continue to come into force only until one year after the date of commencement of this Act.

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◇ Inserted by Some Nepal Acts Amendment Act, 2064