

National Academy of Medical Sciences Act, 2064 (2006)

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Act Number 26 of the Year 2063 (2006)

An Act to make provisions relating to National Academy of Medical Sciences

Preamble: Whereas, it is expedient to establish and operate the National Academy of Medical Sciences to conduct high standard study and research activities and to provide for health services to the general public by strengthening health service;

Now, therefore, be it enacted by the House of Representatives in the First year of the proclamation of the Declaration of the House of Representatives, 2063 (2006).

Chapter 1

Preliminary

1. **Short Title and Commencement:** (1) This Act may be called as "National Academy of Medical Sciences Act, 2063 (2006)".

(2) This Act shall be deemed to have come into force from 23 *Baishakha* 2063 (6 May 2006).

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

- (a) "Academy" means the National Academy of Medical Sciences established pursuant to Section 3.
- (b) "Senate" means Senate of the Academy as referred to in Section 7.
- (c) "Academic Council" means the Academic Council as referred to in Section 9.
- (d) "Executive Council" means the Executive Council as referred to in Section 11.
- (e) "Service Commission" means the Service Commission as referred to in Section 13.
- (f) "Hospital" means the Bir Hospital established pursuant to Section 14.
- (g) "Chancellor" means the Chancellor as referred to in Section 16.
- (h) "Pro-Chancellor" means the Pro-Chancellor as referred to in Section 17.
- (i) "Vice Chancellor" means the Vice Chancellor as referred to in Section 18.
- (j) "Rector" means the Rector as referred to in Section 19.
- (k) "Registrar" means the Registrar as referred to in Section 19.

- (l) "Dean" means the Dean as referred to in Section 19.
- (m) "Director" means the Director as referred to in Section 20.
- (n) "Teacher" means a person who has the responsibility for providing education or conducting research in the Academy.
- (o) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

Chapter 2

Establishment, Structure and Functions, Duties and Powers of the Academy

- 3. **Establishment of the Academy:** (1) The National Academy of Medical Sciences is, hereby, established to conduct high standard study, teaching and research on the area of Medical Sciences.
 - (2) The Central Office of the Academy shall be located in the *Kathmandu* valley.
 - (3) The Academy shall be known as National Academy of Medical Sciences in English language.
- 4. **Academy to be Autonomous Corporate Body:** (1) The Academy shall be an autonomous corporate body with perceptual succession.
 - (2) The Academy shall have a separate seal of its own for all of its business.
 - (3) The Academy may, like an individual, acquire, use, sell or otherwise dispose of movable and immovable property.

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

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

- (a) Senate,
- (b) Academic Council,
- (c) Executive Council,
- (d) Service Commission,
- (e) Hospital,
- (f) Other bodies as prescribed.

6. **Functions, Duties and Powers of the Academy:** (1) The Academy shall have following Functions, Duties and Powers,-

- (a) To carry out study, teaching, training and research in the various subjects of health,
- (b) To provide qualitative health services,
- (c) To conclude an agreement with National and International University, Educational Institution or Hospital for the operation of study, teaching, training and research in the various subjects of health,
- (d) To produce skilled human resource necessary for the qualitative health services,

- (e) To maintain co-ordination with National and International University, Hospital or Educational Institution for upgrading the quality of various programmes to be operated by the Academy,
- (f) To maintain, extend and upgrade relation with National and International University, Academy and International Institution related to Health and exchange mutual assistance,
- (g) To organise or cause to organise workshop, conference and seminar in various subjects of health,
- (h) To publish or cause to publish various books relating to Health,
- (i) To carry out or cause to carry out other functions as prescribed.

(2) The functions, duties and powers of the Academy shall be exercised and abided by through the organisation of the Academy.

Chapter 3

Constitution, Functions, Duties and Powers of the Senate

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

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

(a)	Pro-Chancellor	Chairperson
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(b)	Vice-Chancellor	Member
(c)	Member, National Planning Commission (Looking after Health sector)	Member
(d)	Two person from amongst the Vice-Chancellors of Universities and Academies which provide higher education related to Medical Sciences as nominated by the Senate	Member
(e)	Secretary, Ministry of Health and Population	Member
(f)	Secretary, Ministry of Education and Sports	Member
(g)	Secretary, Ministry of Finance	Member
(h)	Chairperson, University Grant Commission	Member
(i)	Chairperson, Nepal Medical Council	Member
(j)	Chairperson, Nepal Health Research Council	Member

(k)	Rector	Member
(l)	Dean	Member
(m)	Mayor, <i>Kathmandu</i> Metropolitan City	Member
(n)	Two persons from amongst Directors or Medical Superintendents of the Hospitals which concluded an agreement with Academy as nominated by the Government of Nepal	Member
(o)	Dean, Tribhuvan University, Institute of Medicine	Member
(p)	One person from amongst Scientists of Health area nominated by the Senate on the recommendation of Academic Council	Member
(q)	Two persons from amongst Teachers nominated by the Senate on the recommendation Academic Council	Member
(r)	Chief of the Nursing Institute under the Academy	Member

(s)	Two persons from amongst highly renowned learned persons or Social workers including the representation of female nominated by the Government of Nepal	Member
(t)	Registrar	Member-Secretary

(3) The tenure of office of the nominated members as referred to in Sub-section shall be Three years.

(4) The Senate may invite to the person who involved in the study or research in the field of Medical Sciences to its meetings as an observer.

(5) The procedures relating to the meetings of the Senate shall be as prescribed.

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

- (a) To approve policies, plans and programmes of the Academy,
- (b) To approve Rules of the Academy,
- (c) To approve annual budget of the Academy,
- (d) To award degrees, certificates, medal and prize to the person recommended by the Academic Council,
- (e) To approve the proposals (matters) submitted by the Academic

Council and Executive Council,

- (f) To perform other functions as may be prescribed.

Chapter 4

Constitution, Functions, Duties and Powers

of Academic Council

9. **Constitution of Academic Council:** (1) There shall be an Academic Council to manage the educational, academic and research functions of the Academy.

(2) The Academic Council as referred to in Sub-section (1) shall be constituted as follows:

(a)	Rector	Chairperson
(b)	Representative, Ministry of Health and Population (at least Gazetted First Class)	Member
(c)	Representative, Ministry of Education and Sports (at least Gazetted First Class) Director	Member
(d)	Three persons from amongst Teachers nominated by the Senate	Member

(e)	Three persons from amongst Programme Coordinators of various subjects as operated by the Academy nominated by the Senate on the recommendation of Academic Council	Member
(f)	Two persons representing from amongst the Educational Institutions which are operating Masters in Medical Sciences nominated by the Senate on the recommendation of Executive Council	Member
(g)	Chief of Nursing Campus	Member
(h)	Dean	Member-Secretary

(3) The tenure of office of the nominated members as referred to in Sub-section (2) shall be Three years.

(4) Procedures relating to the meetings of the Academic Council shall be as prescribed.

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

- (a) To operate or cause to operate study and research programme to provide education in various subjects relating to Medical Sciences,
- (b) To determine the qualification of the Teachers necessary for the Academy,
- (c) To prepare curriculum and text books,
- (d) To select the students,
- (e) To conduct examination and publish the result,
- (f) To recommend to Senate to provide for degrees of educational qualification and certificate to the students who get success in the examination,
- (g) To recommend to Senate to provide prize and medal to the students who get success in the examination in distinction,
- (h) To recommend to Senate to provide prize, medal, honorary degrees, medal and prize to the student who contributes excellent in the Medical Sciences area,
- (i) To recommend to Senate to provide scholarship to the person or student who is excellent in study, training and research to be operated by the Academy,
- (j) To determine the fees to be charged for study, training and research,
- (k) To execute and cause to execute the decision of Senate relating to Academic Council,
- (l) To perform such other functions as prescribed.

Chapter 5

Constitution, Functions, Duties and Powers **of Executive Council**

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

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

(a)	Vice-Chancellor	Chairperson
(b)	Rector	Member
(c)	Dean	Member
(d)	One person from amongst the Teachers	Member
(e)	Director	Member
(f)	Registrar	Member-Secretary

(3) The members as referred to in Clause (d) of Sub-section (2) shall be nominated by the Pro-chancellor on the recommendation of the Vice-Chancellor.

(4) The tenure of office of the nominated members as referred to in Sub-section (2) shall be Three years.

(5) Procedures relating to the meetings of the Executive Council shall be as prescribed.

12. **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 and introduce them to the Senate for approval,
- (c) To operate, look after and protect the fund and movable and immovable property of the Academy,
- (d) To sell or lease the movable and immovable property of the Academy subject to the policy, guidelines of the Senate,
- (e) To coordinate, look after, supervise the programmes to be operated by the Academy and submit its report to the Senate,
- (f) To draft the Rules relating to the Academy and introduce them to the Senate for approval,
- (g) To appoint and promote teachers and employees necessary for the Academy on the recommendation of the Service Commission,
- (h) To accept donation, financial and other assistance to the Academy,
- (i) To carry out functions as prescribed by the Senate,
- (h) To carry out other functions as prescribed.

Chapter 6

Service Commission

13. **Service Commission**: (1) In order to recommend for the appointment and promotion of the teachers and employees of the Academy, there shall be a service commission.

(2) The Service Commission shall have the Chairperson and Two members.

(3) The Senate shall appoint Chairperson and members from amongst the following persons,-

(a)	A person from amongst the persons who has obtained at least Masters Degree in Medical Sciences having working experience of at least Twenty years in the concerned field	Chairperson
(b)	A person from amongst the persons who obtained at least Masters Degree in Medical Sciences having working experience of at least Fifteen years in the concerned field	Member

(c)	A person from amongst the persons who has obtained at least Bachelors Degree in Law, Management or Public Administration having working experience of at least Fifteen years in the concerned field	Member
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(4) The tenure of office of the Chairperson and the members of the Service Commission shall be Four years.

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

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

(7) Procedures relating to the meetings of the Service Commission shall be as prescribed.

Chapter 7

Establishment and Operation of the Hospital and Educational Institutions,

14. **Establishment and Operation of Hospital:** (1) The Academy shall establish Hospital in order to carry out high standard study or research activities in Health field and to provide qualitative health service.

(2) The *Bir* Hospital established and operated as per prevailing

law at the time of the commencement of this Act shall deemed to have been established pursuant to Sub-section (1).

(3) The operation and management of the Hospital shall be as prescribed.

15. **Establishment and Operation of Educational Institutions:** (1)

The Academy may establish Educational Institutions with the objective of providing education in the various subjects relating to Health Sciences.

(2) The nursing campus established and operated under the Hospital at the time of the commencement of this Act shall deemed to have been established pursuant to Sub-section (1).

(3) The operation of the nursing campus shall be as prescribed.

Chapter 8

Official, Teacher and Employee of the Academy

16. **Chancellor:** (1) The Prime Minister shall be the Chancellor of the Academy.

(2) The Chancellor shall be the chief of the Academy.

17. **Pro-Chancellor:** (1) The Minister or the Minister of State for Health and Population shall be the Pro-Chancellor of the Academy.

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

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

(2) In order to recommend for appointment to the post of Vice-Chancellor, a committee in the Chairpersonship of Pro-chancellor with other Two members shall be constituted by the Chancellor and the Chancellor shall appoint Vice-chancellor from the recommendation of such Committee.

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

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

(5) The functions, duties and powers of the Vice-Chancellor shall be as prescribed.

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

19. **Rector, Registrar and Dean:** (1) The Rector, Registrar and Dean shall be appointed by the Pro-Chancellor on the recommendation of the Vice-Chancellor.

(2) The tenure of office of the Rector, Registrar and Dean shall be Four years.

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

20. **Director:** (1) There shall be a Director to carry out the function as an administrative chief of the Hospital.

(2) The appointment, functions, duties and powers and conditions of service of the Director shall be as prescribed.

21. **Other Officials:** (1) There shall be other Officials at the Academy as prescribed.

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

22. **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, Rector 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 an Inquiry Committee under the chairpersonship of the Pro-chancellor along with Two members of the Senate.

(2) In case Inquiry Committee as referred to in Sub-section (1) recommends that the Vice-Chancellor, Rector 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 and if such report is approved by the Senate, the Chancellor shall remove Vice-Chancellor, Rector or Registrar from office.

(3) The process of removal from office to other Official besides the Vice-Chancellor, Rector or Registrar shall be as prescribed.

(4) A reasonable opportunity to defend himself/herself shall be provided before removing from the office to the Official as referred to in Sub-section (2) or (3).

23. **Teacher and Employee of the Academy:** (1) There shall be teachers and employees at the Academy in required numbers.

(2) The functions, duties, powers and appointment of the teachers and employees of the Academy shall be as prescribed on the

recommendation of the Service Commission.

(3) The functions, duties and powers, remuneration, facilities and conditions of service of the teachers and employees of the Academy shall be as prescribed.

24. **Employees may be deputed:** (1) The Government of Nepal may send any employee of the Health Service on deputation in the Academy on the request of the Academy.

(2) The deputed employee as referred to in Sub-section (1) shall entitle to receive the facility as equal of the employee of the Academy.

Chapter 9

Fund of the Academy and Audit

25. **Fund of the Academy:** (1) There shall be a separate fund of the Academy.

(2) The fund as referred to in Sub-section (1) shall consist of the following amounts:

- (a) The amount received from Government of Nepal,
- (b) The amount received from educational fees and service fees,
- (c) The amount received as an assistance or loan from national and foreign individual, associations, institutions or foreign government,
- (d) The amount to be received from any other source.

(3) While receiving any amount from foreign individual,

association, institution or government pursuant to Clause (c) of Sub-section (2), the Academy shall have to obtain approval of Government of Nepal.

(4) The amount of the fund of the Academy shall be deposited in an account opened in the bank or financial institution.

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

(6) The fund and account of the Academy shall be operated as prescribed.

26. **Accounts and Auditing:** (1) The accounts of incomes and expenditures of the Academy shall be maintained pursuant to the prevailing laws.

(2) The audit of the Academy shall be carried out by the Auditor General.

Chapter 10

Miscellaneous

27. **Annual report:** (1) The Academy shall submit its annual report stating its functions and activities within a year to the Government of Nepal within Three months of the expiry of every fiscal year.

(2) The report as referred to in Sub-section (1) shall include brief details of the functions performed with in a year and achievements of the Academy in addition to other details.

28. **Committee may be constituted:** (1) The Academy may constitute a Committee, as per necessity, to carry out its functions smoothly as per this Act.

(2) The functions, duties, powers and proceedings of the Committee as referred to in Sub-section (1) shall be determined by the Academy at the time of its constitution.

29. **Act not to be invalid:** Where an act has been done after the vacancy of a post of any official or member of the Academy or on occurrence of any error in the appointment of official or member, such act of the Academy shall not be invalid merely on such ground.

30. **Delegation of powers:** (1) The Senate may delegate any of the powers conferred on it under this Act to the Executive Council or the Vice-Chancellor as per necessity.

(2) The Academic Council, Service Commission or Executive Council may delegate any of the powers conferred on it under this Act to any Officials or any subordinate bodies as per necessity.

31. **To Act in Accordance with National Health and Education Policy:** It shall be the duty of the Academy to act in accordance with the National Health and Education Policy approved by Government of Nepal.

32. **May give Direction:** The Government of Nepal may give direction in relation of the functions and activities of the Academy and the Academy shall have a duty to abide by such direction.

33. **Liaison with Government of Nepal:** Ministry of Health and Population shall liaison the Academy with the Government of Nepal.

34. **Employee may remain in the Academy:** (1) If an employee of the Nepal Health Service serving in the Hospital at the time of commencement of this Act desires to serve in the Hospital, he/she

shall submit an application within Six months of the commencement of Service Rules framed hereunder to the Ministry of Health and Population.

(2) If the Government of Nepal provides an approval to remain as an employee of the Academy to the employee who submits an application pursuant to Sub-section (1), he/she shall be deemed to be an employee of the Academy.

(3) The period served in the Health Service by an employee who wants to remain as an employee of the Academy pursuant to Sub-section (2) shall be counted as a service period of the Academy.

35. **Power to Frame Rules:** For the implementation of the objectives of this Act, the Academy may frame necessary Rules.

Provided that, approval of the Government of Nepal shall be obtained while making Rules on matters involving financial burden on the Government of Nepal.

36. **Repeal and Savings:** (1) The *Bir* Hospital Development Committee (Formation) Order, 2063 (2007) is, hereby, repealed.

(2) All functions and proceedings performed as per the Order pursuant to Sub-section (1) shall be deemed to have been performed under this Act.

(3) The movable, immovable property, transactions, loans, assets as well and rights and obligations of the *Bir* Hospital Development Committee as per the Order pursuant to Sub-section (1) shall deemed to have been devolved on the Academy.

(4) The employees who have served in the Committee pursuant to Sub-section (1) shall be deemed to have been transferred

in equivalent post and level of the Academy.

(5) The functions and proceedings performed by the Nursing Campus under the Committee as per the Order pursuant to Sub-section (1) shall be deemed to have been performed under this Act.

37. **Effect of the inoperativeness of the National Academy of**

Medical Sciences ordinance, 2062: With the National Academy of Medical Sciences Ordinance 2062, being inoperativeness, unless a different intention appears, the inoperativeness shall not;

- (a) Revive anything, not in force or existing at the time at which the ordinance became inoperative.
- (b) Affect the matter in operation as per the ordinance or anything duly done or any punishment suffered thereunder.
- (c) Affect any right, privilege, obligation or liability acquired accrued or incurred under the ordinance.
- (d) Affect any prevailing, punishment or forfeiture incurred under the ordinance.
- (e) Affect any action or remedy made or taken in respect of any such right, privilege, obligation, liability, penalty, or punishment aforesaid; and any such legal proceeding or remedy may be instituted, continued or enforced as if the ordinance was in force.