

Patan Academy of Health Sciences Act, 2064 (2008)

Date of Authentication and Publication

2064/10/23 B.S. (6 Jan 2008 A.D.)

Amendment,

Republic Strengthening and Some Nepal

Laws Amendment Act, 2066

2066-10-7 (21 Jan. 2010)

Act Number 37 of the Year 2064 (2008)

An Act to make provisions relating to

Patan Academy of Health Sciences

Preamble: Whereas, it is expedient to establish and operate the *Patan Academy of Health Sciences* to conduct high standard study and research activities, to produce skilled human resource necessary for the Country in the Health Sciences area and to provide health services to the general public by strengthening health service;

Now, therefore, be it enacted by the Legislature-Parliament.

Chapter 1

Preliminary

1. **Short Title and Commencement:** (1) This Act may be called as "*Patan Academy of Health Sciences Act, 2064 (2008)*".
(2) This Act shall come into force immediately.

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

- (a) "Academy" means the *Patan* Academy of Health 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 10.
- (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) "Educational Institution" means Educational Institution as referred to in Section 15.
- (g) "Hospital" means the Hospital established pursuant to Section 16.
- (h) "Hospital Management Committee" means Hospital Management Committee established pursuant to Section 17.
- (i) "Chancellor" means the Chancellor as referred to in Section 18.
- (j) "Pro-Chancellor" means the Pro-Chancellor as referred to in Section 19.
- (k) "Vice Chancellor" means the Vice Chancellor as referred to in Section 20.

- (l) "Rector" means the Rector as referred to in Section 21.
- (m) "Registrar" means the Registrar as referred to in Section 22.
- (n) "Dean" means the Dean as referred to in Section 23.
- (o) "Director" means the Director as referred to in Section 24.
- (p) "Teacher" means a person appointed for providing education or research in the Academy.
- (q) "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 *Patan* Academy of Health Sciences is, hereby, established to conduct study, teaching and research on the area of Health Sciences.

(2) The Central Office of the Academy shall be located in the *Kathmandu* valley.

(3) The Academy shall be known as *Patan* Academy of Health Sciences in English language.
4. **Academy to be Autonomous Corporate Body:** (1) The Academy shall be an autonomous corporate body with perpetual 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) Education Council,
- (f) Faculty,
- (g) Research Centre,
- (h) Educational Institution,
- (i) Hospital,
- (j) 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 and accessible 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, Educational Institution or Hospital for the strengthening various programmes to be operated by the Academy and upgrading quality of such programmes,
- (f) To maintain relation, extent and upgrade 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 the various subjects of health,
- (h) To publish or cause to publish various book 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) | Chancellor | Chairperson |
| (b) | Pro-Chancellor | Vice-Chairperson |
| (c) | ¹ | |
| (d) | Member, National Planning Commission (Looking after Health sector) | Member |
| (e) | Vice-Chancellor | Member |
| (f) | Two person from amongst Vice-Chancellors of Universities and Academies which provides higher education related to Health Sciences as nominated by the Senate on the recommendation of Executive Council | Member |
| (g) | Secretary, Ministry of Health and Population | Member |
| (h) | Secretary, Ministry of Finance | Member |

¹ Omitted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

- (i) Secretary, Ministry of Education and Sports Member
- (j) Rector Member
- (k) One person from amongst Deans nominated by the Senate Member
- (l) Director Member
- (m) President, *Lalitpur* District Development Committee Member
- (n) Mayor, *Lalitpur* Sub-Metropolitan City Member
- (o) Two persons from amongst Chief of the Hospitals of Nepal which concluded an agreement with Academy nominated by the Senate on the recommendation of Executive Council Member
- (p) Two persons including at least a women from amongst Teachers nominated by the Executive Council on the recommendation Academic Council Member
- (q) One person from amongst Chief of the Educational Institutions nominated by the Senate on the recommendation of Executive Council Member

- | | | |
|-----|--|----------------------|
| (r) | Chairperson, Nepal Health
Research Council | Member |
| (s) | Chairperson, Nepal Medical Council | Member |
| (t) | Four persons from amongst
<i>Dalit, Aadibasi/janjati, Medhesi,</i>
backward group including at least a
female nominated by the Senate on the
recommendation of Executive Council | Member |
| (u) | One person from amongst
donors nominated by the Senate on the
recommendation of Executive Council | Member |
| (v) | One person from amongst the
working employees in the Academy
nominated by the Senate | Member |
| (w) | Registrar | Member-
Secretary |

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

(4) In case the office of the nominated members falls vacant for any reason whatsoever, another person shall be nominated for the remaining term having fulfilled same the process.

(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 annual budget of the Academy,
- (c) To approve Rules of the Academy,
- (d) To award scholarships, degrees, certificates, medal and prize to be conferred by the Academy,
- (e) To award honorary degrees as prescribed,
- (f) To guide and provide necessary direction to various bodies under the Academy,
- (g) To submit necessary recommendation to the Government of Nepal while formulating National Health and Educational Policy,
- (h) To approve annual report of the Academy,
- (i) To discuss on audit report and to approve it,
- (j) To manage or cause to manage relating to establishment of Educational Institutions as per necessary,
- (k) 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 and regulate the educational, academic

and research functions of the Academy.

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

(a)	Rector	Chairperson
(b)	Five persons from amongst Chairperson of various Subject Committees of the Academy nominated by the Senate on the recommendation of Executive Council	Member
(c)	Director	Member
(d)	Heads of the Curriculum and Examination Institution of the Academy	Member
(e)	Two persons including at least One women from amongst Teachers nominated by the Senate on the recommendation of Executive Council	Member
(f)	Two persons including at least One woman from amongst the persons who have made substantial contribution in the field of Health nominated by the Senate on the recommendation of Executive Council	Member

(g)	The Dean designated by the Vice-Chancellor from amongst the Deans	Member-Secretary
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(3) The tenure of office of the nominated members shall be Three years.

(4) In case the office of a nominated member falls vacant for any reason whatsoever, another person shall be nominated for the remaining term having fulfilled the same process.

(5) 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 formulate necessary policies, plans and programmes to systematise and regularise the educational, academic and research functions and submit for the approval in the Senate,
- (b) To operate or cause to operate study and research programmes to award education in different subjects and levels relating to Health Sciences,
- (c) To determine the qualification of the Teachers necessary for the Academy,
- (d) To approve curriculum and set the standard of study, research, training and orientation to be operated by the Academy,
- (e) To select the students,

- (f) To fix the standards of examination,
- (g) To recommend to Senate for degrees to the students who get success in the study programme conducted by the Academy,
- (h) To recommend to Senate for honorary degrees, scholarship, medal and prize to be conferred by the Academy,
- (i) To prepare standard text books,
- (j) To evaluate study, research, training and orientation programme to be operated by the Academy,
- (k) To determine the fees to be charged for study, training and research,
- (l) To implement and execute the decision of Senate relating to Academic Council and to monitor,
- (m) 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) One person from amongst the Deans Member
- (d) One person from amongst the Chiefs of the Educational Institutions who is a member of Senate Member
- (e) Director Member
- (f) One person from amongst the Teachers Member
- (g) Registrar Member-Secretary

(3) The members as referred to in Clauses (c), (d) and (f) 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 draft of the Rules relating to the Academy and

submit them to the Senate for approval,

- (c) To prepare policies, plans, annual programmes, progress report, annual budget, audit report and other resolutions and introduce them to the Senate for approval,
- (d) To evaluate and monitor the functions carried out by the bodies under the Academy and to direct such bodies as per necessity,
- (e) To operate, look after and protect, sell, or lease or contract the fund and movable and immovable property of the Academy subject to the policy, guidelines of the Senate,

Provided that, prior approval of the Government of Nepal shall be taken to sell the immovable property which was be received from the Government of Nepal.

- (f) To appoint and promote teachers and employees necessary for the Academy on the recommendation of the Service Commission,
- (g) To accept financial and other assistance to the Academy,
- (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 following

Chairperson and members,-

- (a) A person from amongst the Chairperson persons who obtained at least Masters Degree in Health Sciences having working experience of Twenty years in health sector or special class or who has fulfilled the managerial or academic responsibility as a Special Class Officer or Professor
- (b) Member, Public Service Commission Member
- (c) One person from amongst Teachers Member

(3) The Chairperson and the member referred to in Clauses (a) and (c) of Sub-section (2) shall be appointed by the Senate.

(4) The tenure of office of the Chairperson and the nominated member 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 facilities of the 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

Educational Council, Educational Institutions,

Hospital and Other Bodies

14. **Provision relating to Education council, Faculty and Research Centre:** (1) The Academy may establish Education council, Faculty and Research Centre.

(2) The constitution, functions, duties and powers of the Education council, Faculty and Research Centre established pursuant to Sub-section (1) shall be as prescribed.

15. **Establishment and Operation of Educational Institutions:** (1) The Academy may establish Educational Institutions as per necessity in order to carry out study and research activities in the various subjects relating to Health Sciences.

(2) The operation of the Educational Institutions established pursuant to Sub-section (1) shall be as prescribed.

16. **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 *Patan* 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 Hospital shall be as prescribed.

17. **Hospital Management Committee:** (1) There shall be a Hospital Management Committee for the well operation of the Hospital.

(2) Constitution, functions, duties and powers of the Hospital Management Committee shall be as prescribed.

Chapter 8

Official, Teacher and Employee of the Academy

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

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

19. **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.

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

21. **Rector**: (1) The Rector of the Academy shall be appointed by the Pro-Chancellor on the recommendation of the Vice-Chancellor for the supervision of the educational and academic functions of the Academy.

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

(3) The tenure of office of the Rector shall be Four years.

(4) Other Functions, Duties and Powers, Remuneration, Facilities and Conditions of Service of the Rector shall be as prescribed.

22. **Registrar**: (1) The Registrar of the Academy shall be appointed by the Pro-Chancellor on the recommendation of the Vice-Chancellor for the supervision of the financial and administrative functions of the Academy.

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

(3) The tenure of office of the Registrar shall be Four years.

(4) Other Functions, Duties and Powers, Remuneration, Facilities and Conditions of Service of the Registrar shall be as prescribed.

23. **Dean**: (1) The Dean shall be appointed by the Vice-chancellor to carry out the functions as a Chief of the faculty of the Academy.

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

(3) The tenure of office of the Dean shall be Four years.

(4) Other Functions, Duties and Powers, Remuneration, Facilities and Conditions of Service of the Dean shall be as prescribed.

24. **Director:** (1) The Director shall be appointed by the Vice-chancellor to carry out the function as an administrative chief of the Hospital.

(2) The tenure of office of the Director shall be Four years.

(3) Other Functions, Duties and Powers, Remuneration, Facilities and Conditions of Service of the Director shall be as prescribed.

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

(2) The appointment, Functions, Duties and Powers, Remuneration, Facilities and Conditions of Service of the Officials as referred to in Sub-section (1) shall be as prescribed.

26. **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 Three members Inquiry Committee under the chairpersonship of the member of the Senate consisting member of the Senate and Secretary at the Ministry of Health and Population.

(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) In case, an Inquiry Committee is constituted pursuant to Sub-section (1), such Official shall be *ipso facto* suspended till the matter is decided by the Senate as referred to in Sub-section (2).

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

(5) The Inquiry Committee shall give a reasonable opportunity to defend himself/herself before the recommendation of removing from the office to the Official as referred to in Sub-section (2).

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

(2) The teachers and employees of the Academy shall be appointed on the recommendation of the Service Commission as prescribed.

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

Chapter 9

Fund, Account and Audit of the Academy

28. **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 the

following amounts:

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

(2) While receiving any amount from foreign individual, association, institution or government pursuant to Clause (c) of Sub-section (1), the Academy shall have to obtain approval of Government of Nepal.

(3) The amount of the fund of the Academy shall be deposited in an account opened in the commercial bank.

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

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

29. **Accounts and Auditing:** (1) The accounts of incomes and expenditures of the Academy shall be maintained as per prevailing laws.

(2) The audit of the accounts of the Academy shall be carried out by the Auditor General or auditor as prescribed by Auditor General.

Chapter 10

Miscellaneous

30. **Not to provide Affiliation:** The Academy shall not provide an affiliation to any educational institution.
31. **May contain other institution:** (1) In case, any operated institution relating to Health Sciences established as per prevailing law desires to contain with the Academy, the Academy may contain such institution.
- (2) The basis and process of contain of the institution pursuant to Sub-section (1) shall be as prescribed.
32. **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.
33. **Provision relating to Reservation:** (1) The Academy shall manage the reservation of at least Ten percent of the total student to be admitted in every educational calendar to women, *dalit*, *adibasi/janjati*, *madhesi* and backward area student who passes School Leaving Certificate from Community School residing in remote (village) area.
- (2) The student shall be selected for reservation as referred to in Sub-section (1) on competition.
34. **Priority shall be provided in student admission:** (1) The Academy shall provide priority on the Bachelors Degree of the Academy to Assistant Level employee of Health Service who passes

School Leaving Certificate and Proficiency Certificate in Health Sciences subjects and serve in the Health Post of remote area for the prescribed period.

(2) The employee to be admitted pursuant to Sub-section (1) shall have to fulfill the standard prescribed by the Nepal Medical Council.

35. **Scholarship shall be provided:** (1) The Academy shall provide full scholarship at least Fifteen percent of the total student to be admitted in every educational calendar to poor students.

Explanation: For the purpose of this Section "Poor" means the student who studied and passed School Leaving Certificate from Community School and recommended as poor from Village Development Committee or Municipality on prescribed grounds.

(2) The Fifteen percent as referred to in Sub-section (1) shall count as cent percent and only Forty-five percent of such cent percent scholarship shall be provided to women, dalit, adibasi/janjati, madhesi and backward area student.

(3) The Academy may provide partial scholarship to poor student.

(4) The grounds of providing scholarship as referred to in Sub-sections (1), (2) and (3) shall be as prescribed.

(5) Any institution or association may provide scholarship to any student to study in the Academy.

36. **To serve (work) in the prescribed place:** (1) The Nepali student who studies in the Academy in the scholarship as per this Act shall have to serve in the Health Post of the remote area for at least Four

years who received full scholarship and for at least Two years who received partial scholarship.

(2) If an institution or association prescribed a condition to the Nepali student studied in the scholarship provided by such institution or association to serve in a place for prescribed period, he/she shall have to serve as per such condition and if such condition is not prescribed one shall have to serve pursuant to Sub-section (1).

(3) The student, admitted in the Academy in priority as referred to in Section 34, shall have to work at least Two years in the Health post of remote area as prescribed by the Government of Nepal.

(4) The Academy shall award permanent educational certificate to Nepali student when one serves full time as referred to in Sub-sections (1), (2) and (3) who studied in priority or scholarship pursuant to Sections 34 and 35.

(5) The Academy may make necessary arrangements to the Nepali students to encourage to serve in the Health Post of remote areas after their study besides the student who studied in priority or scholarship pursuant to Sections 34 and 35.

37. **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 within a year and achievements of the Academy in addition to other details.

38. **Delegation of powers:** (1) The Senate may delegate any of the powers conferred to it under this Act to the Academic Council,

Executive Council or the Vice-Chancellor.

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

39. **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.
40. **May provide 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.
41. **Liaison with Government of Nepal:** Ministry of Health and Population shall liaison the Academy with the Government of Nepal.
42. **Oath to be taken:** The Officials of the Academy shall have to take an oath prior to holding the office in the prescribed format.
43. **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 with in 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.

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

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

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

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

(4) The teachers and employee served in the Development Committee pursuant to Sub-section (1) shall be deemed to have been transferred in equal post and level of the Academy.

(5) The Committee constituted as per the Order pursuant to Sub-section (1) shall carry out functions of the Hospital Management Committee till the constitution of the Hospital Management Committee pursuant to this Act.