

## Scholarships Act, 2021 (1964)

### Date of Authentication and Publication

2021-5-13 (Sept. 28, 1964)

### Amending Acts

1. Scholarships (First Amendment) Act, 2052 2025-5-27  
(Sept. 11, 1968)
2. Scholarships (Second Amendment) Act, 2033 2033-6-10  
(Sept. 26, 1976)
3. Administration of Justice (Fourth Amendment) Act, 2043 2043-7-24  
(Oct. 10, 1986)
4. Education and Sports Related Some Nepal Acts 2063-9-14  
Amendments Act, 2063 (2006) (Dec. 29, 2006)

Act No. 3 of 2021 B.S.

### An Act to provide for some legal provisions relating to scholarship to be given by Government of Nepal or to be given through Government of Nepal

**Preamble:** Whereas, it is expedient to make some legal provisions with regard to scholarships to be given by or through Government of Nepal;

Now, therefore, be it enacted by His Majesty the King Mahendra Bir Bikram Shahdev in consultation with, and consent of, the *Rastriya Panchayat*.

1. **Short Title, Extension and Commencement:** (1) This Act may be called "Scholarships Act, 2021(1964)."

(2) This Act shall be enforced all over Nepal and shall also be applicable to every Nepalese citizen wherever he/she may be residing outside Nepal.

(3) This Act shall come into force immediately.

2. **Definition:** Unless the subject or context otherwise requires, in this Act "scholarship" means economic aid (donation) or facility provided by Government of Nepal for any study, research or training, economic aid (donation) or facility or technical assistance provided by any foreign country, international or other donor agency or any national or foreign educational institution to the Government of Nepal and this term also includes any other facility prescribed by the Government of Nepal stating scholarship by a Notification in the Nepal Gazettee.

3. **Scholarship not to be Given Except to Nepalese Citizen:** No scholarship shall be made available to any one except a Nepalese citizen.

<sup>+</sup>3A. **Scholarship to be secured:** Among the scholarship provided to the Government of Nepal, the scholarship as prescribed, shall be secured for poor, woman, disable (differently able), indigenous tribe and *Dalit* including for the person of remote area as prescribed.

**Explanation:** For the purpose of this Section the term "poor" means among the person studied in community school, the person as prescribed on the recommendation of the concerned Village Development Committee or Metropolitan City with the reason of being poor.

<sup>+</sup>3B. **No Objection letter in mandatory:** No citizen of Nepal shall go abroad for higher study without receiving no objection letter to be issued by the Ministry of Education and Sports.

(2) A citizen of Nepal who wants to go abroad for higher study shall produce an application before the Ministry of Education and

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<sup>2</sup> Amended by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006)

<sup>+</sup> Inserted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006)

Sports for no objection letter upon mentioning the particulars as prescribed, along with the fee as prescribed.

(3) While making an inquiry into the application received pursuant to the Sub-section (2) if the request of applicant is found justifiable, the Ministry of Education and Sports shall issue a no objection letter to the applicant in a prescribed format:

**Explanation:** For the purpose of this Section the term higher education includes also higher secondary education.

(4) If a person granted no objection letter pursuant to Sub-section (3) to go abroad for higher study, produces an application before the Ministry of Education and Sports for such study to get the facility of foreign currency exchange, the Ministry so concerned may recommend as prescribed to the concerned authority to provide the facility of such foreign currency exchange to the applicant.

(5) Notwithstanding anything contained elsewhere in this Section, in a case of Government official, scholarship shall be provided pursuant to the provision of concerned prevailing law relating to condition of service

**4. Duty of Recipient of Scholarship:** (1) The person getting scholarship shall, within Three months after the study period is over, submit a report to Ministry of Education and Sports or his/ her concerned department.

<sup>9</sup>(2) Government of Nepal may, within One year after submission of report under Sub-section (1), engage the person in any post in an organization or corporation which is an undertaking of Government of Nepal or to which Government of Nepal has provided financial assistance for a period up to Five years, and it shall be the duty of the concerned person to be engaged in the service accordingly.

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<sup>9</sup> Amended by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006)

<sup>10</sup> Amended by the First Amendment

The person who does not engage in the service, post and place prescribed by Government of Nepal shall be generally disqualified to be appointed in any service or post of Government of Nepal or in any post of an organization or corporation which is an undertaking of Government of Nepal or to which Government of Nepal has provided financial assistance.

Provided that,

- (a) This section shall not be applicable to persons to whom Government of Nepal could not engage in a work within a year,
- (b) Government of Nepal may grant approval to him/her to be engaged in non-governmental service and if such approval is granted, this Section shall not be applicable to him/her.

(3) The recipient of scholarship shall not, while studying or undergoing a training under the scholarship or upon completion of such study or training, be engaged in any study or training in any subject not approved by Government of Nepal without prior approval of Government of Nepal and shall not leave the study or training in between without approval of Government of Nepal upon having got scholarship for further study or training.

5. **Punishment:** (1) Whoever, being a foreign national, receives or scholarship lying that he/she is a Nepalese citizen, shall be liable to a punishment with recovery of the amount of scholarship and an additional imprisonment up to Five years or a fine up to Ten Thousand Rupees or both in addition to the punishment according to other Nepal laws.

(2) Whoever certifies or causes to certify a foreign citizen as Nepalese citizen and in case such foreign citizen receives a scholarship, the person so certifying or causing to certify shall be punished with an

imprisonment of One year and a fine of Two Thousand Rupees in addition to punishment to be imposed as per other Nepal laws.

<sup>+</sup>(2a) If a person who has gone for study with scholarship pursuant to this Act, does not appear before the Ministry of Education and Sports to contact after completing his/her study, he/she shall be fined a amount equivalent to the total expenditure paid for him/her while doing study in such scholarship and any donation provided to him/her for such study by the Government of Nepal or any other institution, if any.

(3) Whoever violates the terms and conditions referred to in Section 4 shall be liable to the punishment as follows: –

- (a) Whoever does not engage in the post and place prescribed by Government of Nepal pursuant to <sup>x</sup>..... Sub-section (2) of Section 4 or ceases to be engaged, a fine of up to Ten Thousand Rupees having recovered the cost.
- (b) Whoever, except in case of being unable because of any physical or mental illness or having obtained prior approval of Government of Nepal, abandons the study or training in between without completing it as per terms and conditions, a fine of up to Five Thousand Rupees having recovered the cost;
- (c) A fine of up to Five Thousand Rupees in case of violation of any other terms and conditions.

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<sup>+</sup> Inserted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006)

<sup>x</sup> Repealed by the Second Amendment.

(4) For the purpose of Sub-section (3), if any person has contended that he/she was unable because of any physical or mental illness, he/she has to prove it by the <sup>८</sup>Nepal Medical Board.

**6. Special Provisions with Regard to Recipients of Scholarship**

**Prior to Enforcement of this Act:** (1) Even the persons studying or under going training in any scholarship from Government of Nepal or through Government of Nepal prior to enforcement of this Act shall also abide by the terms and conditions referred to in section 4 and if any such person does not abide by those terms and conditions, the cost of scholarship shall be recovered from him/her and Government of Nepal shall also have powers to cancel his/her scholarship if he/she is still getting the scholarship.

(2) Save in case of exemption granted by having published a notice in the Nepal Gazettes, any person who has completed study or training under any scholarship from Government of Nepal or through Government of Nepal prior to the enforcement of the Act shall, within One year from the date of enforcement of this Act, engage in the post or service prescribed by Government of Nepal at least for a period of Five years. If the person does not engage in work or does not agree to be engaged in work or initiates the work but leaves in between, Government of Nepal may recover the costs from his/her.

**७. Government of Nepal May Determine Cost:** (1) While recovering costs under this Act, Government of Nepal may determine costs on the basis of the level, standard and duration of the scholarship and the country and institution conducting study or imparting training.

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<sup>८</sup> Amended by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006)

<sup>९</sup> Amended by the Second Amendment.

<sup>☞</sup>(2) In the course of determining any claimed amount pursuant to Sub-section (1), such claimed amount shall be determined equivalent to the amount paid in the concerned educational body for tuition fee while doing study in technical or non-technical subject and paid any donation amount, if any.

(3) <sup>✕</sup> .....

(4) <sup>✕</sup> .....

(5) No questions shall be raised before the authority to hear cases under this Act or any court with regard to costs determined by Government of Nepal under this section.

<sup>+</sup>(6) The determined claimed amount, pursuant to Sub-section (2) shall be recovered from the assets of the person studied in scholarship as good as the dues of Government

<sup>→</sup>**7A. Government of Nepal May Revoke Passport:** Government of Nepal may revoke passport of person who violates the terms and conditions under section 4 being in any place outside of Nepal.

<sup>+</sup>**7B. To be according to the agreement:** Notwithstanding anything contained elsewhere in this Act, if any particular (specific) condition or limitation has been provided in relation to scholarship in a bilateral or multilateral understanding or agreement concluded between the Government of Nepal and a foreign friend country or any other institution, in relation to such scholarship shall be provided as referred to in such understanding or agreement.

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<sup>✕</sup> Omitted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006)  
<sup>+</sup> Inserted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006)  
<sup>→</sup> Inserted by the Second Amendment.

**<sup>+</sup>7C. Examination of Scholarship:** The examination of scholarship pursuant to this Act, shall be conducted in the date as prescribed by the Ministry of Education and Sports.

**8. Government of Nepal be the Plaintiff:** Government of Nepal shall be the plaintiff in any case has to be filed under this Act.

**9. ☒ .....**

**10. Government of Nepal's Powers to Frame Rules:** (1) Government of Nepal may frame Rules for implementing objectives of this Act.

(2) Without causing any adverse effect on the generality of powers conferred by Sub-section (1), Rules may be framed in the following matters as well: –

- (a) Approval of subjects of scholarship,
- (b) Method to select candidates,
- (c) Extending duration of scholarship,
- (d) Converting scholarship from one subject to another by a person,
- (e) Submitting report upon completion of study or training,
- (f) Providing study leave to a government employee.

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☒ Repealed by the Administration of Justice (Fourth Amendment) Act, 2043 (1986).