Local Development Training Academy
Act, 2049 (1993)

Date of Authentication and Publication
2050.2.32(14 June 1993)

Amendment:


Act Number 12 of the year 2050 (1993)

Preamble: Whereas, it is expedient to make legal provisions for the establishment and operation of a Local Development Training Academy to arrange for trainings in a planned manner for the persons involved in local bodies with a view to enhancing the administrative and managerial competency of the local bodies related with local development works;

Now, therefore, Parliament has made this Act in the twenty second year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. Short title and commencement: (1) This Act may be called as “Local development Training Academy Act, 2049 (1993)”.
(2) It shall come into force on such date as appointed by the Government of Nepal by publishing a notice in the Nepal Gazette.

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

(a) "Academy" means the local training academy established pursuant to Section 3.

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1 This Act came into force on 15 Jestha 2065(28 May 2008).
2 Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).
(b) "Council" means the council formed pursuant to Section 7.

(c) "Committee" means the executive committee formed pursuant to Section 10.

(d) "Executive Director" means the executive director of the Academy appointed or designated pursuant to Section 12.

(e) "Training Center" means the Rural Development Training Center, Town Development Training Center and Women Development Training Center.

(f) “As prescribed” or “as prescribed” means prescribed or as prescribed in the regulation framed under this Act.

3. **Establishment of Academy**: The Local Development Training Academy has been established to render contribution to the institutional development of local bodies at the local level by providing for high-level trainings on subjects relating to administration and management of local bodies related with local development works.

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

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

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

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

5. **Office of Academy**: (1) The Head Office of the Academy shall be situated in the Kathmandu Valley.

   (2) The Academy may, as required, establish a Rural Development Training Center, Town Development Training Center
and Women Development Training Center in any place of five development regions of …………….4 Nepal.

6. **Objectives of Academy**: The objectives of the Academy shall be as follows:

(a) To arrange for trainings as may be required for the persons of local bodies related with local development works.

(b) To carry out research work related with training programs to be operated by the Training Center.

(c) To carry out problem-based research, consultancy services and information service related problems in order to make trainings more useful and prepare training materials.

7. **Formation of Council**: (1) The Council composed of the following chairperson, vice-chairperson and members shall be formed as the supreme organ of the Academy:

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<td>(a)</td>
<td>Honorable Minister or Minister of State for Local Development -Chairperson</td>
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<td>(b)</td>
<td>Assistant Minister for Local Development -Member</td>
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<td>(c)</td>
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<td>(d)</td>
<td>Member (responsible for local development), National Planning Commission -Member</td>
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<td>(e)</td>
<td>Secretary, Ministry of Finance -Member</td>
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<td>(f)</td>
<td>Secretary, Ministry of Local Development -Member</td>
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<td>(g)</td>
<td>Secretary, Ministry of education, -Member</td>
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5 Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).
(h) Secretary, Ministry of Housing and Physical Planning -Member

(i) Secretary, Ministry of General Administration -Member

(j) Five Presidents nominated by the Government of Nepal from the Presidents of the District Development Committees, one from each of the five development regions -Member

(k) Three Chairpersons of the Village Development Committees so nominated by the Government of Nepal as to have representation of the mountains, hills and terai -Member

(l) Executive Director of the Academy -Member Secretary

(2) The Government of Nepal may, if it considers necessary, make necessary alteration in the members of the Academy, by publishing a notice in the Nepal gazette.

(3) The term of the members are referred to in Clauses (c), (j), (k) and (l) shall be Two years.

(4) The Council may, if it considers necessary, invite a native or international expert to take part, as an observer, in a meeting of the Council.

8. **Meeting and decision of Council:** (1) The Council shall meet at such time and place as specified by the chairperson of the Council.

(2) The Council shall generally meet at least twice a year.
(3) The meeting of the Council shall be presided over by the chairperson of the Council and by the vice-chairperson in the absence of the chairperson. The meeting shall be presided over by the member selected by the members present at the meeting from among themselves.

(4) The presence of Fifty percent members of the total number of members of the Council shall be deemed to constitute a quorum for the meeting.

(5) The majority decision shall be the decision of the meeting. If a majority cannot be forged at the meeting, the chairperson may exercise the casting vote.

(6) The decisions of the meeting shall be authenticated by the member secretary of the Council.

(7) The other rules of procedures of the meeting of the Council shall be as determined by the Council itself.

9. **Functions, duties and powers of Council**: The functions, duties and powers of the Council shall, in addition to the functions mentioned elsewhere in this Act, be as follows:

(a) To determine policies relating to training and research programs to be operated by the Training Center,

(b) To frame rules of the Academy,

(c) To approve the plans and programs of the Academy,

(d) To make appraisal and evaluation of progress of annual programs of the Academy and approve annual budget,

(e) To give necessary direction to the Executive Director and the Committee,

(f) To create positions of employees required for the Academy,

(g) To appoint employees required for the Academy,
(h) To perform such other functions as prescribed.

10. **Formation of Executive Committee:** (1) There shall be the following executive committees in the following Training Centers to operate training programs in consonance with the objectives and policies of the Academy:

(a) Rural Development Training Center Executive Committee:

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<td>(1)</td>
<td>Person designated by the Government of Nepal -Chairperson</td>
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<td>(2)</td>
<td>President of the District Development Committee of the district where the Rural Development Training Center is situated -Member</td>
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<td>(3)</td>
<td>One campus chief or head teacher nominated by the Council from amongst the campus chiefs or head teachers of higher secondary schools of the district where the Rural Development Training Center is situated -Member</td>
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<td>(4)</td>
<td>Representative, Ministry of Local Development -Member</td>
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<td>(5)</td>
<td>Chief, Rural Development Training Center -Member secretary</td>
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(b) Town Development Training Center Executive Committee:
(1) Person designated by the Government of Nepal -Chairperson

(2) Mayor of the municipality of the district where the Town Development Training Center is situated -Member

(3) One campus chief nominated by the Council from amongst the campus chiefs of the district where the Town Development Training Center is situated -Member

(4) Representative, Ministry of Local Development -Member

(5) Chief, Town Development Training Center secretary

(c) Women Development Training Center Executive Committee:

(1) Person designated by the Government of Nepal -Chairperson

(2) Representative, Ministry of Local Development -Member

(3) One teacher nominated by the Council from amongst the women teachers of the district where the Women Development Training Center is situated -Member

(4) One woman nominated by the Council from amongst the women related with the women development works -Member
(5) Chief, Women Development Training Center -Member secretary

(2) The Government of Nepal may, if it considers necessary, make necessary alteration in the members of the Committee, by publishing a notice in the Nepal Gazette.

(3) The Committee may, if it considers necessary, invite an expert to take part, as an observer, in a meeting of the Committee.

(4) The term of office of those members of the Committee who are nominated by the Council shall be two years, and shall be eligible to be re-nominated.

(5) The Committee shall meet as required.

(6) The quorum required for, and rules of procedures of, the meeting of the Committee shall be as determined by the Committee itself.

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

(a) To launch appropriate training programs for the persons related with local development works,

(b) To launch research, consultancy service and information service related programs,

(c) To make recommendation to the Council for the creation of the positions of such employees required for the Training Center,

(d) To assist the Council in formulating the policies relating to training and research programs of the Academy,

(e) To prepare plans, annual programs and budget of the Training Center and send the same to the Academy for the approval of the Council,
(f) To arrange for the periodic exchange of services of experienced persons in various fields in order to make trainings action-oriented and practical,

(g) To make evaluation of the training programs,

(h) To perform other necessary functions relating to training, subject to this Act and the rules framed under this Act.

12. **Provisions relating to employees of the Academy:** (1) The Academy shall have the following types of employees:

   (a) Administrative,

   (b) Teaching and research.

   (2) There shall be one Executive Director as the chief of the Academy. The Government of Nepal may appoint or designate any person who has gained special experience on training activities as the Executive Director. His or her term of office shall be Five years; and the Government of Nepal may, if it so wishes, add his or her term of office for a maximum of Five years.

   (3) The Academy shall have a required number of other employees.

   (4) The remuneration, terms and conditions of service and facilities of the employees of the Academy shall be as prescribed.

13. **Functions, duties and powers of Executive Director:** (1) The functions, duties and powers of the Executive Director shall be as follows:

   (a) To implement, or cause to be implemented, the decisions and directions of the Council.

   (b) To submit the long-term plans and annual programs and budget to the Council for approval.
(c) To cause to be implementing the long-term plans and annual programs of the Academy as approved by the Council.

(d) To sanction the approved budget amount for the Training Center.

(2) The other functions, duties and powers of the Executive Director shall be as prescribed.

14. **Fund of the Academy:** (1) The Academy shall have fund of its own.

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

(a) Grant received from the Government of Nepal,

(b) Amount received from any foreign government, international institution or foreign institution,

(c) Loan, donation, assistance, grant or other amount of gift received from any person, institution or government,

(d) Grant received from the District Development Committee and Municipality,

(e) Amount received from any other source.

(3) Prior to receiving any grant from any foreign government, international institution, organization or foreign institution, the Academy shall have to obtain prior approval of the Government of Nepal.

(4) Any amount received by the Academy shall be spent in the program or activity for which such amount has been so received.

(5) Amounts of expenses required to be made by the Academy shall be chargeable on the fund as referred to in Sub-section (2).
(6) The amount earned by the concerned Training Center shall be so sanctioned that the Training Center may receive such amount as prescribed.

(7) All amounts receivable by the Academy shall be deposited in an account opened with any bank within ........... 6 Nepal.

(8) The fund and account of the Academy shall be operated through the counter signature of the Executive Director and accounts chief.

15. **Accounts and audit:** (1) The accounts of incomes and expenses of the Academy shall be maintained in such manner as adopted by the Government of Nepal.

(2) The accounts of the Academy shall be audited by the Auditor General or by any registered auditor designated by him or her.

(3) The Government of Nepal may, if it so wishes, examine, or cause to be examined, at any time, the documents relating to the accounts and cash of the Academy.

16. **Annual report:** The Executive Director shall submit an annual report of the Academy to the Council within Three months after the date of expiration of each financial year.

17. **Delegation of powers:** (1) The Council may, as required, delegate any or all of the powers conferred to it pursuant to this Act or the Rules framed under this Act to any member of the Council, committee, Executive Director or any officer employee.

(2) The Executive Director may delegate any or all of the powers conferred to him or her pursuant to this Act or the Rules framed under this Act to any employee of the Academy.

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18. **Report to be published:** A report relating to the activities of the Academy shall be publicly published each year.

19. **Contact with the Government of Nepal:** In making contact with the Government of Nepal, the Academy shall make so through the Ministry of Local Development, Government of Nepal.

20. **Power to frame Rules:** The Council may frame necessary rules to implement the objectives of this Act. The Rules so framed have to be approved by the Government of Nepal.

21. **Saving:** (1) Acts and actions done and taken by the Local Development Training Center, Local and Town Development Training Center, Women Development Training Center and Training Materials Production Center under the Ministry of Local Development, Government of Nepal shall be deemed to have been done and taken under this Act.

(2) All rights and liabilities of the Centers as referred to in Sub-section (1) shall be transferred to the Academy.

(3) The employees of the Centers as referred to in Sub-section (1) shall be transferred to the Academy.