

Lumbini Bouddha University Act, 2067 (2006)

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Amendment

Republic Strengthening and Some Nepal Laws 2066/10/7

Amendment Act, 2066 (Jan. 21, 2010)

Act Number 16 of the Year 2063 (2996)

An Act to make provisions relating to the

Lumbini Bouddha University

Preamble: Whereas, it is expedient to establish and operate the Lumbini Bouddha University from the peoples level; to operate high standard educational institutions on Buddhist Philosophy, Literature, Education and Culture; to conduct study, teaching and research programmes by promoting peace, fellowship (brotherhood), friendship or goodwill upon accepting the teaching of Lord Buddha as a guiding principles of world peace.

Now, therefore, be it enacted by the House of Representative in the First year of the Declaration of House of Representative, 2063

Chapter 1

Preliminary

1. **Short Title and Commencement:** (1) This Act may be called as the

" Lumbini Bouddha University Act, 2063 (2006)".

(2) This Act shall come into force from the 23 *Baishakha* of the Year 2063 (May 6, 2006).

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

- (a) "University" means the Lumbini Bouddha University established pursuant to Section 3.
- (b) "Senate" means the Senate of the University Senate 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 12.
- (e) "Faculty" means the faculty as referred to in Section 14.
- (f) "Education Council" means the Education Council as referred to in Section 15.
- (g) "Campus" means the constituent campus of the University and this expression also includes any campus affiliated to the University.
- (h) "Dean" means the chief of the faculty.
- (i) "Teacher" means the Professor, Lecturer and Assistant Lecturer engaged in providing education or conducting research at the University and this word also includes the instructors of various

levels at the University and the person specified as Teacher in the Rules made under this Act.

- (j) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

Chapter 2

Establishment of the University

3. **Establishment of the University:** (1) The Lumbini Bouddha University has been established to operate higher level educational institution for the study, teaching and research on Buddhist Philosophy, Literature, Education and Culture.

(2) The Central Office of the University shall be located in the *Lumbini* area of *Rupandehi* district.

4. **University to be Autonomous Corporate Body:** (1) The University shall be an autonomous corporate body with perceptual succession.

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

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

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

Chapter 3

Provision relating to Organizational Structure and Officials of the University

5. **Organization of the University**: The organization of the University shall be as follows and their collective form shall be the structure of the University:
- (a) Senate,
 - (b) Academic Council,
 - (c) Executive Council,
 - (d) Faculty,
 - (e) Education Council,
 - (f) Campus, and
 - (g) Other bodies as prescribed.
6. **Officials of the University**: The University shall have the following officials:
- (a) Chancellor,
 - (b) Pro-Chancellor,
 - (c) Vice-Chancellor,
 - (d) Registrar,

- (e) Dean,
- (f) Campus Chief,
- (g) Other officials as prescribed.

Chapter 4

Provision relating to Senate of the University

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

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

- (a) Chancellor - Chairperson
- (b) Pro-Chancellor - Vice-Chairperson
- (c) Vice-Chancellor - Member
- (d) ×
- (e) Member, National Planning
Commission (looking after Education
sector) - Member
- (f) Two persons from amongst
Vice-Chancellors of other Universities - Member
- (g) Chairperson, University Grant

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

- Commission - Member
- (h) Secretary, Ministry of Education and Sports - Member
- (i) Secretary, Ministry of Finance - Member
- (j) Secretary, Ministry of Culture, Tourism and Civil Aviation - Member
- (k) Regional Administrator of the Concerned Development Region - Member
- (l) Vice-chairperson of the Lumbini Development Trust - Member
- (m) Dean - Member
- (n) Two persons from amongst the Campus Chiefs - Member
- (o) One person from amongst the Teachers - Member
- (p) Representative from of the Nepal Professor Union - Member
- (q) President of the District Development Committee where the University is located -Member
- (r) Ten persons including One woman

from each development region from

amongst the highly renowned learned

persons on Buddhist Philosophy,

Literature, Education and Culture – Member

(s) Seven persons including Three women
from representative of Nationally or
Internationally recognised institutions
relating to Buddhist Philosophy – Member

(t) Two persons from amongst Donors - Member

(u) One person from amongst educationist
or social worker – Member

(v) Registrar -Member-Secretary

(3) Except the *ex-officio* members, the other members of the Senate shall be nominated by the Chancellor on the recommendation of the Executive Council.

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

(5) 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 process referred to in Sub-section (3).

8. **Meetings of the Senate:** (1) The meetings of the Senate shall be held at least Twice a year.

(2) The meetings of Senate shall be held on the date and at the time and place prescribed by the Chairperson.

(3) Member-Secretary of the Senate shall give notice along with agenda to be discussed in the meeting at least Fifteen days in advance than the date of the meetings of the Senate.

(4) In case at least Fifty percent of the total members of the Senate are present, it shall be deemed to have constituted the quorum.

(5) The meetings of the Senate shall be presided over by the Chairperson, and in absence of the Chairperson, by the Vice-Chairperson, of the Senate. It shall be presided over by the Vice-Chancellor in absence of the both Chairperson and the Vice-Chairperson.

(6) Majority opinion in meetings of the Senate shall prevail and in case of tie the person presiding over the meeting shall exercise the casting vote.

(7) The Member-Secretary of the Senate shall authenticate the decisions of the Senate.

(8) Other procedures relating to the meetings of the Senate shall be as determined by the Senate itself.

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

(a) To formulate policies of the University.

- (b) To guide to the University.
- (c) To operate and manage the educational programmes of the University.
- (d) To carry out or cause to carry out necessary function relating to establishment and affiliation of the campus.
- (e) To determine and award the degrees to be conferred by the University.
- (f) To direct and guide constituent campus of the University or campus affiliated from the University.
- (g) To formulate educational and administrative policy of the different bodies under the University.
- (h) To constitute various committees, sub-committees or task-forces as per the necessity of the University.
- (i) To approve annual budget and programmes of the University,
- (j) To discuss on annual reports of bodies under the University and to evaluate their programmes,
- (k) To discuss and approve the audit report of the University,
- (l) To approve Rules relating to the University,
- (m) To determine the conditions of service of Official, Teacher and Employee.
- (n) To protect or cause to protect property of the University.
- (o) To perform other functions as prescribed.

Chapter 5

Provision relating to Academic Council

10. **Constitution of Academic Council:** (1) There shall be an Academic Council to manage the educational and academic functions of the University.

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

- (a) Vice-Chancellor - Chairperson
- (b) Registrar - Member
- (c) Five persons from amongst the
Chairperson of the different Subject
Committee of the University - Member
- (d) One person from amongst the
Teachers -Member
- (e) Two persons including One woman
from amongst the highly renowned
learned persons on Buddhist Philosophy,
Literature, Education and Culture - Member
- (f) Dean Member-Secretary

(3) The members other than the *ex-officio* members shall be nominated by the Chancellor on the recommendation of the Executive

Council.

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

(5) Notwithstanding anything contained in Sub-section (4), in case the function of a nominated member of the Academic Council is found unsatisfactory, the Chancellor may remove him/her at any time on the recommendation of the Executive Council.

Provided that, he/she shall be given a reasonable opportunity to defend him/herself before removing from the office.

(6) 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 process referred to in Sub-section (3).

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

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

- (a) To determine and approve the curriculum of the University,
- (b) To fix the modes of examination to be conducted by the University,
- (c) To determine the qualifications and number of students to be admitted,
- (d) To formulate policies relating to research and to approve the

research programmes,

- (e) To evaluate the educational programmes of the students,
- (f) To determine the standard of teaching and research,
- (g) To arrange for honorary degrees,
- (h) To perform such other functions as prescribed.

Chapter 6

Provision relating to Executive Council

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

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

- (a) Vice-Chancellor - Chairperson
- (b) Dean - Member
- (c) One person from amongst the
Campus Chiefs who is a
member of a Senate - Member
- (d) One person including from
amongst the highly renowned
learned persons on Buddhist Philosophy,
Literature, Education and Culture - Member

- (e) Two persons including One woman
from amongst the Teachers - Member
- (f) Registrar - Member-Secretary

(3) The members pursuant to Clauses (b), (c), (d) and (e) of Sub-section (2) shall be nominated by the Chancellor on the recommendation of the Vice-Chancellor.

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

(5) Notwithstanding anything contained in Sub-section (4), in case the function of a nominated member of the Academic Council is found unsatisfactory, the Chancellor may remove him/her at any time on the recommendation of the Vice-chancellor.

Provided that, he/she shall be given a reasonable opportunity to defend him/herslf before removing from the office.

(6) 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 process referred to in Sub-section (3).

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

Provided that, the procedures relating to meetings shall be determined by Executive Council itself until the Rules are made as per this Act.

13. **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 (matters) of the University and introduce them in to the Senate for approval,
- (c) To operate, look after and protect the fund and movable or immovable property of the University,
- (d) To sell or lease or contract movable or immovable property of the University subject to the policy and direction of the Senate,
- (e) To coordinate, look after and supervise the programmes conducted by the University and to submit report thereof to the Senate,
- (f) To draft Rules relating to the University and submit them to the Senate for approval,
- (g) To appoint and promote teachers and employees necessary for the University as prescribed,
- (h) To accept donation, financial and other assistance to the University,
- (i) To determine the fees of the student,
- (j) To carry out other functions as prescribed.

Chapter 7

Provision relating to Faculty, Research

Centre and Other Bodies

14. **Faculty**: (1) There shall be prescribed faculties on the prescribed subjects for the higher education to be imparted by the University.
- (2) The functions, duties and powers of the faculties shall be as prescribed.
15. **Education Council**: (1) There shall be an Education Council for the operation of educational and academic programmes in faculty.
- (2) There shall be subject committees under the Education Council as prescribed.
- (3) Functions, duties and powers and procedures relating to meetings of the Education Council and committees thereunder shall be as prescribed.
16. **Establishment and Operation of Campus**: (1) The University may, in order to impart higher education, establish and operate campus.
- (2) Provisions relating to the campuses to be established and operated by the University as referred to in Sub-section (1) shall be as prescribed.
17. **Affiliation to the University**: (1) In case any national or a foreign campus wishes to be operated upon getting affiliation to the university, the University may grant affiliation to such campus.
- (2) The campus affiliated pursuant to Sub-section (1) shall have

to pay the affiliation fees, every year, to the University.

(3) The campus affiliated pursuant to Sub-section (1) shall have to abide by the terms and conditions as determined by the University.

18. **Other bodies may be constituted:** (1) There shall be other prescribed body in the University other than mentioned in this Act.

(2) The constitution and operation of the body as referred to in Sub-section (1) shall be as prescribed.

Chapter 8

Provision relating to the Officials of the University

19. **Chancellor:** (1) The Prime Minister shall be the Chancellor of the University.

(2) The Chancellor shall be the chief of the University and chairperson of the Senate.

(3) The Chancellor may inspect the University or any matter relating to the University and issue necessary directions.

20. **Pro-Chancellor:** (1) The Minister or the Minister of State for Education and Sports shall be the Pro-Chancellor of the University.

(2) The Pro-Chancellor may inspect the University and give directions to the University as per necessity.

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

(2) In order to recommend for appointment to the post of Vice-

Chancellor, a committee in the chairperson of Pro-chancellor with Two members of the Senate shall be constituted by the Chancellor and the Chancellor shall appoint Vice-chancellor as per recommendation of such committee.

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

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

22. **Functions, Duties and Powers of the Vice-Chancellor:** (1) The functions, duties and powers of the Vice-Chancellor shall be as follows:-

- (a) To supervise and control all functions and activities of the University.
- (b) To execute or cause to execute the decisions and directions of the Senate.
- (c) To introduce resolutions relating to all matters to be introduced in the Senate.
- (d) To prepare or cause to prepare short term and long term programmes for development of the University.
- (e) To represent or cause to represent in various bodies on behalf of the University.
- (f) To manage necessary resources for the University.

(2) The Vice-Chancellor shall carry out the functions other than

those which are said to be carried out by any agency or official under this Act or Rules framed thereunder. The Vice-Chancellor shall immediately inform to the Chancellor about such functions and shall be approved by the meeting of the Senate to be held immediately thereafter.

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

23. **Registrar:** (1) The Registrar shall be the official working for the full time at the University.

(2) The Registrar of the University shall be appointed by the Chancellor on the recommendation of the Vice-Chancellor.

(3) Academic, financial and personnel administration of the University shall be under general supervision of the Registrar.

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

(5) The other functions, duties and powers, remuneration, facilities and conditions of service of the Registrar shall be as prescribed.

24. **Dean:** (1) The Dean shall be the chief officer working for full time at Faculty.

(2) The Dean shall be appointed by the Vice-chancellor.

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

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

25. **Other Officials:** (1) There shall be Campus Chief and other officials at the University as prescribed.

(2) The appointment, functions, duties and powers, remuneration, facilities and conditions of service of the officials pursuant to Sub-section (1) shall be as prescribed.

26. **Provision relating to Teacher and Employee:** (1) There shall be teachers and employees at the University as prescribed.

(2) There shall be a Recruitment Committee for the appointment and promotion of teachers and employees.

(3) The appointment, functions, duties and powers, remuneration, facilities and conditions of service of teachers and employees pursuant to Sub-section (1) shall be as prescribed.

27. **Vacant of Post:** The post of the Officials of the University shall become vacant in the following circumstances:

- (a) if he/she dies,
- (b) if he/she submits resignation to the appointing authority,
- (c) if he/she has been sentenced from court in criminal offence amounting moral turpitude.
- (d) if it is proved that his/her mental condition is found not good, or
- (e) If he/she is removed from the post pursuant to this Act.

28. **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, Registrar or Dean 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 University Grant Commission and Secretary at the Ministry of Education and Sports..

(2) The Inquiry Committee formed pursuant to Sub-section (1) shall hold necessary inquiries into the matter and submit its report to the Chancellor within Thirty days.

(3) Upon receiving the report pursuant to Sub-section (1), the Chancellor shall submit it to the Senate.

(4) In case, more than Fifty percent members presenting in the meeting decide to remove from office to the Vice-Chancellor, Registrar or Dean in the course of discussions on that report submitted pursuant to Sub-section (2), the Chancellor shall remove Vice-Chancellor, Registrar or Dean from office.

Provided that, they shall be given a reasonable opportunity to defend themselves before removing from the office.

(5) In case, an inquiry is started against any official pursuant to this Section, he/she shall not be eligible to perform his/her official duty till the final decision is made.

(6) The process of removal from office or make an inquiry to other official besides the Vice-Chancellor, Registrar or Dean on the charge pursuant to Sub-section (1) shall be as prescribed.

Chapter 9

Provision relating to Fund and

Audit of the University

29. **Fund of the University**: (1) There shall be a separate fund of the University and the fund shall consist of the following amounts:

- (a) Grants or donation received from Government of Nepal,
- (b) The amount given by any person or organization as donation, charity and financial assistance,
- (c) The amount received as assistance or loan from foreign government, international organizations, associations, financial institutions or persons,
- (d) The amount received from fees of the students,
- (e) The amount received from affiliation fees,
- (f) Fees or the amount to be received from any other source.

(2) While receiving any amount pursuant to Clause (c) of Sub-section (1), the University shall have to obtain prior approval of Government of Nepal.

(3) The amount of the fund of the University shall be deposited in an account opened with the bank as decided by the Executive Council.

(4) All expenditure of the University shall be borne by the fund

pursuant to Sub-section (1).

(5) The operation of fund and account of the University shall be as prescribed.

30. **Accounts and Auditing:** (1) The accounts of incomes and expenditures of the University shall be kept in accordance with prevailing law of Nepal.

(2) The internal audit of the University shall be carried out by the auditor as appointed by the Senate.

(3) The final audit of the University shall be carried out by the Auditor General.

Chapter 10

Miscellaneous

31. **Conferring the Degree and Certificate and Fixation of Equivalency and Standards:** (1) The University may confer certificate as may be prescribed to the students, trainees or researchers having obtained higher education and may confer honorary degrees to the persons carrying out research oriented activities and appreciable work in the educational and academic field.

(2) The University may recognize the educational degrees of any native or foreign University or of educational institution, and may fix the equivalency and standard of various degrees of the University with those degrees.

32. **Qualification Required for Admission to the University:** The qualification required for admission in the University shall be as prescribed.
33. **Reservation provision may be introduced for the admission of the Student:** In the course of admission of the student in the University, the reservation may be introduced to the student from remote areas and other backward class or women, disable (differently able), *Aadibasi/janjati, Madhesi, Dalit* as prescribed.
34. **To Act in Accordance with National Education Policy:** It shall be the duty of the University to act in accordance with the National Education Policy of Government of Nepal.
35. **Report shall be submitted:** (1) The University shall submit its annual report of main functions and activities carried out by the University in a year to Government of Nepal.
- (2) The amount received and expenditure details shall also be mentioned in the report pursuant to Sub-section (1).
36. **Directives may be given:** Government of Nepal may give necessary directions to the University and it shall be the duty of the University to comply with such directives.
37. **Delegation of Powers:** (1) The Senate may delegate any of the powers conferred on it under this Act or the Rules framed thereunder, to the Academic Council or Executive Council as per necessity.
- (2) The Academic Council or Executive Council may delegate any of the powers conferred on it under this Act or the Rules framed

thereunder, to the any body as per necessity.

(3) Any official of the University may delegate any of the powers conferred on it under this Act or the Rules framed thereunder, to any official under him/her as per necessity.

38. **Liaison with Government of Nepal**: Ministry of Education and Sports shall liaison the University with the Government of Nepal.

39. **Actions not to be invalid**: No act or action shall be invalid merely for the reason that an error has been made to appoint or nominate any office bearer or member in any of such vacant posts of the University.

40. **Saving for Acts Done in Good faith**: No case shall be initiated or no any other actions may be taken against the University or any of its official with regard to any act done or purported to be done in good faith in accordance with Act or Rules framed thereunder.

41. **Provisions relating to Dissolution of the University**: (1) In case the University could not be operated by any reason, Government of Nepal may dissolve the University on the recommendation of Senate.

(2) A public notice providing Thirty Five days shall be published to submit any claim to the Ministry of Education and Sports if anyone has any claim before the dissolution pursuant to Sub-section (1).

(3) In the event of dissolution of the University pursuant to Sub-section (1), Government of Nepal shall have the responsibility to pay the amounts as equal received from the sale of the property of the University.

42. **Power to Frame Rules**: The University may frame necessary Rules subject to this Act for the implementation of the objectives of this Act.
43. **Saving**: The function and procedure carried out according to Lumbini Bouddha University Ordinance, 2062 (2005) being effective on *Kartik* 24 of the Year 2062 (Nov. 10, 2005) shall be considered to have been carried out under this Act.

NEPAL LAW COMMISSION