

## **Nepal Academy of Science and Technology Act, 2048 (1991)**

**Authentication and publication**

**2049.1.17 (1992 April 29)**

### **Amendment Acts**

1. Nepal Academy of Science and Technology (First Amendment) Act, 2054 (1997) 2054.9.7
2. Income Tax Act, 2058 2058.12.19
3. Some Nepal Laws Amendment Act, 2063 2063.6.28
4. Nepal Academy of Science and Technology (Second Amendment) Act, 2064 (2007) 064.6.15

### **Act no. 5 of 2049 (1992)**

### **An Act to provide for the provision of Nepal Science and Technology Academy**

**Preamble:** Whereas, it is expedient to operate the Nepal Academy of Science and Technology as an organized and competent organization to create positive environment for scientific and technological activities for the development, research and promotion of science and technology and to encourage and respect the competent scientists and technicians working in the field of science and technology,

Be it enacted by the Parliament on the twenty first year of the reign of His Majesty the King Birendra Bir Bikram Shah Dev.

### **Chapter-1**

#### **Preliminary**

1. **Short Title and Commencement:** (1) This Act may be called "Nepal Academy of Science and Technology Act, 2048 (1991)".  
(2) This Act shall come into force immediately.
2. **Definition:** In this Act, unless the subject or context otherwise requires,-
  - (a) "Academy" means the Nepal Academy of Science and Technology constituted pursuant to Section 3.
  - (b) "Chancellor" means the chancellor of the Academy.

- (c) "Pro-Chancellor" means the Pro-Chancellor of the Academy.
- (d) "Vice-Chancellor" means the Vice-Chancellor of the Academy.
- (e) "Assembly" means the Academic Assembly of the Academy.
- (f) "Council" means the Management Council of the Academy which functions as the executive body of the Academy.
- (g) "Academician" means an academician pursuant to Section 10.
- (h) "Prescribed" or "as prescribed" means prescribed or as prescribed under the Rules framed or Bye-laws made pursuant to this Act.

## **Chapter-2**

### **Establishment, Objectives, functions,**

### **Duties and powers of the Academy**

3. **Establishment of the Academy:** (1) Nepal Academy of Science and Technology has been established.
- (2) In English, Academy shall be called as "<sup>☒</sup>.....Nepal Academy of Science and Technology".
- (3) The Central Office of the Academy shall be located at Kathmandu Valley.
4. **Academy to be an Autonomous Body:** (1) Academy shall be an autonomous and organized body with perpetual succession.
- (2) Academy shall have a separate seal for its all activities.
- (3) Academy may acquire, consume, sell or otherwise manage its movable and immovable property as an individual.
- (4) Academy may file a case against anyone and anyone may file a case against the Academy as an individual.
5. **Objectives of the Academy:** To develop or cause to develop the science and technology for the overall development of the country, to protect or cause to protect and modernize the indigenous (domestic) technology, to conduct or cause

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<sup>☒</sup> Deleted by Second Amendment.

to conduct research work in the field of the science and technology and to find out the appropriate technology for the Nation and to assist in transferring such technology, shall be the fundamental objectives of the Academy.

**6. Functions, Duties and Powers of the Academy:** The functions, duties and powers of the Academy shall be as following:-

- (a) To conduct study, research and developmental and promotional activities in a priority basis on different fields and subjects of the science and technology.
- (b) To assist to the Government of Nepal in formulating and implementing the policy regarding transfer of technology.
- (c) To conduct or cause to conduct programmes in a coordinated manner with the domestic or foreign science and technology related organizations.
- (d) To develop central level documentation and information system regarding science and technology and provide service of the same.
- (e) To conduct or cause to conduct workshop or seminars on scientific and technology related subject and to make or cause to make publication on those subjects.
- (f) To maintain, extend and promote relationship with the regional, international or any other science and technology related organizations and exchange mutual assistance.
- (g) To receive financial, technical and other assistance from national and international organizations for the best use and operation of the Academy and in the scientific and technological activities.
- (h) To encourage and respect the persons and organizations who have made excellent contribution in the development, promotion and use of science and technology.
- (i) To promote or cause to promote consciousness among the general public on the utility and usefulness of the science and technology

and to create positive environment in increasing the use of science and technology.

- (j) To prepare updated Report by studying the programmes and achievements of the national agencies connected with science and technology.
- (k) To provide suggestions to the Government of Nepal on science and technology development programmes.
- (l) To provide opinion to the Government of Nepal in establishing new agencies or laboratories for the research and development of science and technology.
- (m) To provide financial or technical assistance for the development of laboratories or agencies in the country which are working in the area of science and technology, as prescribed.
- (n) To establish exhibition venues to exhibit the excellent invention and model related to science and technology.
- (o) To do or cause to do other necessary functions to meet the objectives of the Academy.

### Chapter-3

#### ☒ .....Chancellor, Pro-Chancellor and Vice Chancellor

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

(2) Chancellor shall be the Head of the Academy and Chairperson of the Assembly.

(3) Chancellor shall have the powers to inspect or cause to inspect and inquire and issue directives on any matter or act related to the Academy or Assembly.

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☒ Deleted by Second Amendment.

<sup>×</sup> Deleted by Some Nepal Laws Amendment Act, 2063

(4) Chancellor may revoke or withhold or inquire any act, by a written order, which is in against of this Act or Rule or By-laws thereunder and shall inform the same to the Assembly.

(5) <sup>✂</sup> .....

9. **Pro-Chancellor:** (1) <sup>\*</sup>Minister or State Minister to the Ministry of Environment, Science and Technology shall be the Pro-Chancellor of the Academy.

(2) Pro-Chancellor shall implement or cause to implement the subject matter as appointed (determined) by the Chancellor or Academy for the same.

(3) Pro-Chancellor shall act as a Chancellor in the absence of the Chancellor.

♦10. **Academicians:** <sup>\*</sup>(1) Scholars providing excellent contribution in the field of science and technology shall be eligible to be the academician of the Academy. Chancellor shall constitute a committee in the conveniorship of the Pro-Chancellor in which Vice-Chancellor and one of the members of the Assembly shall be the members, for the recommendation of the nomination of the Academicians.

(2) The committee constituted pursuant to Sub-section (1) shall recommend to the Chancellor the name, from amongst the Scholars qualified for the appointment as prescribed, who have made excellent contribution in the field of science and technology. A foreign Scholar may also be recommended for nomination.

Provided that, the Scholars from foreign country shall not be the member of the Assembly.

(3) The Chancellor shall nominate the persons so recommended pursuant to Sub-section (2) as an Academician.

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<sup>✂</sup> Deleted by second Amendment.

<sup>\*</sup> Amended by second Amendment.

♦ Amended by First Amendment.

<sup>\*</sup> Amended by second Amendment.

\* (4) While nominating pursuant to Sub-section (3), not more than two Academicians shall be nominated each year.

<sup>TM</sup> (5) Other provisions relating to the academicians shall be as prescribed.

<sup>TM</sup> 10A. Pro-Academicians: (1) The excellent scientists and technological experts (technicians) deserving high studies or conducting research in the field of science and technology shall be eligible to be a Pro-academician. For the recommendation of the Pro-Aademician, the Chancellor shall constitute a committee in which Pro-Chancellor shall be the Chairperson and Vice-Chancellor and one of the members of the Assembly shall be the members.

(2) The committee constituted pursuant to Sub-section (1) shall recommend the qualified scientists and technological experts (technicians) from amongst the persons, who have completed higher studies or conducted research in the field of science and technology, to nominate as a Pro-Aademician, to the Chancellor, as prescribed.

(3) The Chancellor shall nominate the persons so recommended pursuant to Sub-section (3) as a Pro-Aademician.

(4) While making nominations pursuant to Sub-section (3) five persons shall be nominated for the first time after the commencement of this Section and thereafter, not exceeding two persons each year shall be nominated as a Pro-Aademician.

(5) The other provisions relating to the Pro-Aademician shall be as prescribed.

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\* Amended by second Amendment.

<sup>TM</sup> Inserted by Second Amendment.

**Chapter-4**  
**Structure of the Organization of the**  
**Academy and Assembly**

**11. Organization of the Academy:** The organization of the Academy shall be as following. The collective form of them shall be the structure of the Academy:-

- (a) Assembly
- (b) Management Council
- (c) Service Commission
- (d) Central Office
- (e) Committee and bodies

**12. Composition of Assembly:** (1) The Assembly shall be the apex body of the Academy.

(2) The composition of the Assembly shall be as following:-

- (a) Chancellor - Chairperson
- (b) Pro-Chancellor - Vice-Chairperson
- (c) Vice-Chairperson, National Planning Commission - Member
- (d) Vice-Chancellor - Member
- (e) Two Vice-Chancellors from amongst the different Universities as appointed by the Chancellor - Member
- (f) Three persons, as appointed by the Chancellor from amongst the Chairpersons of the professional organizations in the field of Science and Technology established pursuant to the prevailing law - Member
- (g) Two persons, as appointed by the Chancellor from amongst the employees working as - Member

Scientist and Technicians in the Academy

- \* (h) Twenty seven person from the academicians, taking into consideration the inclusiveness and appropriate representation of the women, nominated by the Chancellor - Member
- Provided that, the doctrine of inclusiveness shall be followed, as far as possible, in the course of such nomination.
- <sup>TM</sup> (h1) Two persons nominated by the Chancellor from the Pro-Academicians - Member
- <sup>TM</sup> (h2) Secretary, Ministry of Environment, Science and Technology - Member
- <sup>TM</sup> (h3) Two persons nominated by the Chancellor from amongst the person who have served in the field of science and technology at least as a Gazetted class one officer of the Government of Nepal - Member
- <sup>TM</sup> (h4) Two persons nominated by the Chancellor from amongst the persons concerning to science and technology, which is related to the industrial sector - Member
- (i) Secretary of the Academy - Member-Secretary

\* (3) The nomination of the members mentioned in Clause (e), (f), (g), (h), (h1), (h3) and (h4) of Sub-section (2) shall be made in the recommendation of the

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\* Amended by second Amendment.

<sup>TM</sup> Inserted by Second Amendment.

\* Amended by second Amendment.



Vice-Chancellor, as prescribed. The tenure of office of the member shall be of Two years.

(4) The facilities of the members of the Assembly shall be as prescribed.

**13. Functions, Duties and Powers of the Assembly:** The functions, duties and powers of the Assembly shall be as following:-

- (a) To determine the short-term, long-term, immediate or annual policy, plan and programme of the Academy.
- (b) To pass Annual and Supplementary budget of the Academy.
- (c) To pass Rules relating to operation and management of the Academy.
- (d) To conduct or cause to conduct the evaluation of the work performance of the Academy.
- (e) To appoint the Auditor to conduct the audit of account of the Academy and determine his/her remuneration.
- (f) To provide direction to the Council to take necessary action on Audit and other reports of the Academy.
- (g) To arrange for the scholarship, fellowship, medal and awards and to arrange for appropriate honour or respect for excellent contributions or awards in the field of science and technology.
- (h) To discuss and pass Annual Report submitted before the Assembly.
- (i) To cause the Council to perform other functions to meet the objectives of the Academy.

**14. Meetings of the Assembly:** (1) Generally, the meetings of the Assembly shall be held twice a year.

(2) The meeting of the Assembly shall be chaired by the Chairperson. The Vice-Chairperson shall chair the meeting in the absence of the Chairperson.

(3) The other procedures of the meetings shall be as prescribed.

## **Chapter-5**

### **Management Council**

**14. Composition of Council:** (1) There shall be a Management Council as following, to function as an executive body of the Academy subject to this Act or Rules framed thereunder and under the direction of the Assembly:-

- (a) Vice-Chancellor - Chairperson
- (b) Up to five persons as appointed by the Chancellor from amongst the members of the Assembly - Member
- (c) Secretary of the Academy - Member-Secretary

(2) The Council and members thereof shall, collectively and personally, accountable to the Assembly.

**16. Functions, Duties and Powers of the Council:** The functions, duties and powers of the Council shall be as following:-

- (a) To implement the decisions of the Assembly made from time to time and to abide by the directives issued by the Assembly.
- (b) To submit annual programme, budget, audit report, other reports and proposals of the academy before the Assembly for decision.
- (c) To protect and take care of of the movable and immovable property of the Academy.
- (d) To manage and operate the fund of the Academy.
- (e) To arrange for the management and administration of the different bodies of the Academy.
- (f) To accept the grant and donation.
- (g) To perform other functions as directed by the Assembly as prescribed.

**17. Meeting of the Council:** (1) Generally, the council shall meet Four times every year.

(2) The meeting of the Council shall be chaired by the Chairperson of the Council. In the absence of the Chairperson of the Council, the meeting shall be

chaired by a member selected by the members of the Council from amongst themselves.

(3) The other procedures of the meetings of the Council shall be as prescribed.

## Chapter-6

### Service Commission

**18. Service Commission of the Academy:** (1) There shall be a service commission of the Academy to recommend for the permanent appointment and promotion of the employees of the Academy, as following:-

- (a) A person nominated by the Chancellor - Chairperson
- (b) A member as appointed by the Chairperson  
of the Public Service Commission - Member
- (c) An Academician nominated by the  
Chancellor from amongst the academicians - Member
- (d) Secretary of the Academy - Member-Secretary

(2) The tenure of office of the Chairperson and nominated members of the Service Commission shall be of <sup>♦</sup>four years and they may be re-appointed for one another term.

(3) The other functions, duties, powers and procedures of the Service Commission shall be as prescribed.

(4) The functions, duties and powers as well as remuneration, facilities and other conditions of the service of the Chairperson and Members of the Service Commission shall be as prescribed.

(5) The Chairperson of the Service Commission shall submit an Annual Report of the Service Commission to the Chancellor and the Chancellor shall present that Report to the Assembly for consideration. The Assembly may, upon considering the report, direct the Service Commission.

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♦ Amended by First Amendment.

## Chapter-7

### Authorities, Central Office, Committees and other Bodies

19. **Vice-Chancellor**: (1) The Vice-Chancellor shall be the full time Chief Authority of the Academy.

<sup>®</sup>(1a) The Chancellor shall constitute a committee in the Chairpersonship of the Pro-Chancellor including two members of the Assembly to recommend for the post of the Vice-Chancellor. The Committee shall recommend the name of a person, from amongst the persons who best contributed in the field of science and technology, for whom the Chancellor shall appoint to the post of Vice-Chancellor.

(2) The tenure of office of the Vice-Chancellor shall be of <sup>♦</sup>four years. He/she may be re-appointed for one another term in the same post.

(3) The Vice-Chancellor shall implement or cause to implement the decisions made or directives issued by the Council and Assembly.

(4) It shall be the duty of the Vice-Chancellor to abide by or cause to abide by this Act or Rules or Bye-laws framed thereunder.

(5) The Vice-Chancellor shall have general control on the activities and functions of the Academy.

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

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

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<sup>®</sup> Inserted by First Amendment.

<sup>♦</sup> Amended by First Amendment.

(8) When the Vice-Chancellor, thinks it essential to do any function immediately pursuant to this Act or Rules or Bye-laws, he/she may perform such function accordingly and shall inform the same to the Assembly as soon as possible.

® **19A. Removal from the post:** (1) If one fourth members of the Assembly immediately holding the post, put a written application before the Chancellor, stating that the Vice-Chancellor or the Chairperson of the Service Commission is not fulfilling the responsibility which their position demands, the Chancellor shall constitute an Inquiry Committee in the Chairpersonship of the Pro-Chancellor including two other members of the Assembly.

(2) The committee constituted pursuant to Sub-section (1) shall make on the matter and submit its report to the Assembly.

(3) In case, the majority of the total number of the members of the Assembly recommend that the Vice-Chancellor or the Chairperson of the Service Commission has not fulfilled his/her responsibility which his/her position demands pursuant to Sub-section (2), the Chancellor shall remove him/her from the post accordingly.

Provided that, before making recommendation to remove from the post one shall not be deprived of the opportunity to defend him/herself.

**20. Secretary:** (1) The Chancellor, on the recommendation of the Vice-Chancellor, shall appoint the Secretary of the Academy.

(2) Secretary shall be a full-time official of the Academy.

(3) The tenure of office of the Secretary shall be of four years. He/she may be re-appointed for one another term in the same post.

(4) The personnel, finance, fund and other general administration shall be under the Secretary of the Academy.

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® Inserted by First Amendment.

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

**21. Central Office of the Academy:** (1) There shall be a Central Office of the Academy.

(2) The organization, functions, duties and powers of the Central Office shall be as prescribed.

**22. Committees:** (1) Various Committees may be formed on the matters which come under the jurisdiction of the Chancellor, Vice-Chancellor, Assembly, Council and other Authorities.

(2) The functions, duties, powers and procedures of the Committee formed pursuant to Sub-section (1) shall be as prescribed.

**23. Other Bodies:** (1) The Assembly may, if thinks necessary, form appropriate bodies from time to time to meet the objectives of the Academy. Such Bodies shall function under the Central Office.

(2) The organization, functions, duties, powers and procedures of the bodies pursuant to Sub-section (1) shall be as prescribed.

## **Chapter-8**

### **Funds, Accounts and Audit of the Assembly**

**24. Fund of the Academy:** (1) There shall be a Fund of the Academy.

(2) The following amounts shall be credited to the Fund created pursuant to Sub-section (1):-

- (a) Amount received from the Government of Nepal,
- (b) Any amount of loan, grant, contribution, assistance or donation received from a person, organization or nation,
- (c) Amount received from any other sources.

(3) The amount credited to the fund of the Academy shall be deposited in the account opened in a Commercial Bank.

(4) The funds and Bank Account of the Academy shall be as prescribed.

(5) All the expenses of the Academy shall be borne in from the amount credited to the fund created under Sub-section (2).

(6) The Council may, without prejudice to the best interest of the Academy, invest the money collected in the fund of the Academy.

**25. Accounts and Audit:** (1) The income and expenditure account of the Academy shall be maintained pursuant to the prevailing law.

(2) The Audit of the Academy shall be done by the Auditor as appointed by the Assembly.

## **Chapter-9**

### **Miscellaneous**

**\*26. Annual Report:** (1) Vice-Chancellor shall submit the annual report of the activities of the Academy before the Assembly within the period as prescribed and the Assembly may give necessary directions upon considering the Report thereof. Final shape shall to the Report be given in the line of the directions, if any, so received.

(2) The Report pursuant to Sub-section (1) shall at least include the major activities done by the Academy in the field of science and technology, achievements made in the field of science and technology and its industrial and practical use, details of the income and expenditure, and the cost detail made in the field of study, research and administrative activities.

(3) The final Report, prepared after the consideration of the Assembly, shall be submitted to the Prime Minister by the Vice-Chancellor.

(4) The Prime Minister shall cause to make the Report, submitted pursuant the Sub-section (3), Public through Minister of Environment, Science and Technololgy.

**27. Delegation of Authority:** The Assembly may delegate, fully or partially, any of the powers conferred to it pursuant to this Act or Rules or Bye-laws framed thereunder, to the Council.

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\* Amended by second Amendment.

28. **Liaison Ministry:** \*Ministry of Environment, Science and Technology, of the Government of Nepal, shall Liaison between the Academy and the Government of Nepal.
29. **Government of Nepal may issue directives:** Government of Nepal may issue directives to the Academy ♦ to meet the objectives of this Act and it shall be the duty of the Academy to abide by such directives.
30. ⊗ .....
31. **Power to frame Rules and Bye-laws:** (1) Assembly may frame Rules to meet the objectives of this Act.
- (2) The council may subject to this Act or Rules framed thereunder, frame necessary Bye-laws for the operation of the Academy.
32. **Saving:** The Royal Nepal Science and Technology Academy contributed by His Majesty the King shall be considered to have been established under this Act and shall continue accordingly.

Note :

The following words have been changed -

- (1) "Royal Nepal Academy of Science and Technology" has been substituted by "Nepal Academy of Science and Technology" by the Nepal Academy of Science and Technology (Second Amendment) Act, 2064 and
- (2) "His Majesty's Government" has been substituted by "Government of Nepal " by Some Nepal Laws Amendment Act, 2063

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\* Amended by second Amendment.

♦ Amended by First Amendment.

⊗ Deleted by Income Tax Act, 2058.