

Technical Education and Vocational Training Council Act, 2045 (1988)

Date of Authentication and Publication

2045.7.28 (13 Nov. 1988)

Amendments:

1. Technical Education and Vocational Training Council Act, 2049 (1993) 2050.2.27(9 May 1993)
2. Education and Sports Related Some Nepal Acts (Amendment) Act, 2063 (2006)¹ 2063.9.14(8 Jan.2006)
3. Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010)² 2066.10.7 (21 Jan. 2010)

Act Number 20 of the Year 2045(1988)

An Act Made to Provide for the Establishment and Provision of Technical Education and Vocational Training

Preamble: Whereas, it is expedient to establish and provide for the Technical Education and Vocational Training Council in order to manage technical education and vocational training in a planned manner and to make determination and accreditation of standards of skills, for the generation of basic and medium level technical human resources;

¹ This Act came into force on 17 *Shrawan* 2063(2 Aug. 2006).

² This Act came into force on 15 *Jestha* 2065 (28 June 2008) and "*Prasati*" has been deleted.

Now, therefore, be it enacted by His Majesty King Birendra Bir Bikram Shah Dev, on the advice and with the consent of the *Rastriya Panchayat*.

1. Short title and commencement:

1.1 This Act may be called as the "Technical Education and Vocational Training Council Act, 2045(1989)".

1.2 This Act shall come into force on such a date as the Government of Nepal may appoint by publishing a Notification in the Nepal Gazette.³

2. Definitions:

2.1 Unless the subject or the context otherwise requires, in this Act:

2.1.1⁴ "Assembly" means the Technical Education and Vocational Training Assembly formed pursuant to Section 2A.

2.1.2⁵ "Council" means the Technical Education and Vocational Training Council established under Section 3.

2.1.3 "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules or Bye-laws framed under this Act.

2A.⁶ Formation of Technical Education and Vocational Training Assembly:

2A.1 The Technical Education and Vocational Training Assembly shall be formed as follows:

2A.1.1⁷ Minister or Minister of State for -Chairperson

³ Appointed to commence on 12 *Falgun* 2045(23 Feb. 1989) (Nepal Gazette of 2045.11.9 (20 Feb. 1989).

⁴ Amended by the First Amendment.

⁵ Amended by the First Amendment.

⁶ inserted by the First Amendment.

⁷ Amended by the Education and Sports Related Some Nepal Acts Amendment Act, 2063(2006).

Education and Sports	
2A.1.2 ⁸
2A.1.3	Member, National Planning Commission (responsible for human resources) -Member
2A.1.4	Member, Public Service Commission -Member
2A.1.5	Secretary, Ministry of Education and Sports -Member
2A.1.6	Secretary, Ministry of Industries -Member
2A.1.7	Secretary, Ministry of Labour -Member
2A.1.8	Secretary, Ministry of Tourism and Civil Aviation -Member
2A.1.8a. ⁹	Vice-chairperson, Technical Education and Vocational Training Council -Member
2A.1.9 ¹⁰
2A.1.10	Rector, Tribhuvan University -Member
2A.1.11	Chairperson, Federation of Nepal Chamber of Commerce and Industries -Member
2A.1.12	Five persons nominated by the chairperson from amongst the technical deans of universalities -Member
2A.1.13	Three persons nominated by the chairperson from amongst the persons who have rendered special

⁸ Deleted by the Republic Strengthening and Some Nepal Laws Amending Act, 2066(2010).

⁹ Inserted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063(2006).

¹⁰ Deleted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063(2006).

- contribution to technical education
and vocational training - Member
- 2A.1.14 Three persons nominated by the
chairperson from amongst the
persons of industrial enterprises -Member
- 2A.1.15 Representative,.....¹¹Nepal Academy
of Science and Technology -Member
- 2A.1.15a¹²
- 2A.1.15b¹³
- 2A.1.15c¹⁴
- 2A.1.15d¹⁵
- 2A.1.15e¹⁶
- 2A.1.16¹⁷ A person designated by the
Government of Nepal from amongst
the employees of the Council -Member secretary
- 2A.2 The tenure of office of the nominated members of the Assembly
shall be Four years, and upon the expiration of their term, they may
be re-nominated.
- 2A.3 The procedures of meeting of the Assembly shall be as determined
by the Assembly itself.

¹¹ Deleted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010).

¹² Inserted by Education and Sports Related Some Nepal Acts Amendment Ordinance, 2062 (2006) and deleted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006).

¹³ Inserted by Education and Sports Related Some Nepal Acts Amendment Ordinance, 2062 (2006) and deleted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006).

¹⁴ Inserted by Education and Sports Related Some Nepal Acts Amendment Ordinance, 2062 (2006) and deleted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006).

¹⁵ Inserted by Education and Sports Related Some Nepal Acts Amendment Ordinance, 2062 (2006) and deleted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006).

¹⁶ Inserted by Education and Sports Related Some Nepal Acts Amendment Ordinance, 2062 (2006) and deleted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006).

¹⁷ Amended by the Education and Sports Related Some Nepal Acts Amendment Act, 2063(2006).

3.¹⁸ Establishment of Council:

3.1 A Technical Education and Vocational Training Council is, hereby, established to well manage and standardize the technical education and vocational training, maintain coordination between various bodies providing such training and determine standards of skills and certify the same.

3.2 The formation of the Technical Education and Vocational Training Council shall be as follows:

3.2.1 Minister or Minister of State for
Education and Sports -Chairperson

3.2.2 A person nominated by the Government
of Nepal -Vice chairperson

3.2.3 Member, National Planning Commission
(Member responsible for human
resources) -Member

3.2.4 Secretary, Ministry of Education and
Sports -Member

3.2.5 Two persons nominated by the
chairperson from amongst the persons
who have rendered special contribution
to the field of technical education and
vocational training -Member

3.2.6 Two persons nominated by the

¹⁸ Amended by the First Amendment.

chairperson from various organizations -Member
related with technical education and
vocational training

3.2.7 A person designated by the Government
of Nepal from amongst the employees of
the Council -Member secretary

3.3 If the Government of Nepal considers necessary, it may, by a
Notification in the Nepal Gazette, make necessary addition or
deletion or alteration in the members of the Council.

3.4 If the Council considers necessary, it may invite any native or
foreign expert or adviser to attend its meeting as an observer.

3.5 The functions, duties and powers of the chairperson and members of
the Council shall be as prescribed.

3.6 The tenure of office of the nominated members of the Council shall
be Four years, and upon the expiration of their term, they may be re-
nominated.

3.6A.¹⁹ The functions, duties and powers and conditions of service of the
vice-chairperson of the Council shall be as prescribed.

3.7²⁰

4. Council to be autonomous body:

4.1 The Council established pursuant to Section 3 shall be an
autonomous body corporate with perpetual succession.

4.2 The Council shall have a separate seal of its own.

¹⁹ Inserted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063(2006).

²⁰ Deleted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063(2006).

4.3 The Council may, like an individual, acquire, use, sell and dispose of, or otherwise deal with, any movable and immovable property.

4.4 The Council may, like an individual, sue by its name and be also sued by the same name.

5. Meeting and decision of the Council:

5.1 The meeting of Council shall be held at such place, time and date as may be specified by the chairperson.

5.2 The presence of fifty percent members of the total number of members of the Council shall be deemed to constitute a quorum for a meeting of the Council.

5.3 The meeting of the Council shall be presided over by the chairperson and by the vice-chairperson in the absence of the chairperson, and by the person selected by the members present at the meeting from amongst themselves, in the absence of both the chairperson and the vice-chairperson²¹.

5.4 A majority opinion shall prevail at the meeting of the Council; and in the event of a tie, the chairperson shall exercise the casting vote.

5.5 The decisions of the Council shall be authenticated by the member secretary.

5.6 Other procedures relating to the meeting of the Council shall be as determined by the Council itself.

5A.²² Functions, duties and powers of the Assembly: The functions, duties and powers of the Assembly shall be as follows:

²¹ Amended by the First Amendment.

²² Inserted by the First Amendment.

- 5A.1 To give guidance to the Technical Education and Vocational Training Council.
 - 5A.2 To determine the policies of the Council and provide for or cause to be provided for the effective implementation of the policies.
 - 5A.3 To evaluate, or cause to be evaluated, whether the development and expansion of the technical education and vocational training have taken place timely.
 - 5A.4 To approve the annual budget and programme of the Council.
 - 5A.5 To get long-term plans prepared and make and make necessary provisions for the implementation of such plans.
 - 5A.6 To form, or cause to be formed, committees, sub-committees or study and research teams as required.
 - 5A.7 To give necessary direction to any body or authority under the Council.
 - 5A.8 To perform, or cause to be performed, such other functions as specified in this Act or the Rules framed under this Act.
- 6.²³ **Functions, duties and powers of Council:** The functions, duties and powers of the Council shall be as follows:
- 6.1 To provide for various teaching, training and research and arrange for the same, as prescribed for the development of the technical education and vocational training.
 - 6.2 To give approval for the teaching or operation of the technical education and vocational training to be established or operated at the

²³ Amended by the First Amendment.

private and non-governmental sectors and provides for facilities and assistance to be provided to them.

- 6.3 To maintain affiliation with native universities or educational institutes in relation to the technical education and vocational training, and focus of standardized education or training.
- 6.4 To determine policies on the technical education and vocational training and submit the same to the Assembly for approval.
- 6.5 To determine the scope and standards of the technical education and vocational training programmes.
- 6.6 To conduct basic level skills and trainings and generate medium level human resources.
- 6.7 To establish and operate, or cause to be established and operated polytechnic schools.
- 6.8 To enforce, or cause to be enforced, curricula and course books of vocational training to be given by corporate bodies owned by the Government of Nepal and non-governmental corporate bodies for skill development, as determined by the Curriculum and Course-book Determination Committee.
- 6.9 To make, or cause to be made, coordination between various training related programmes.
- 6.10 To conduct, or cause to be conducted, trainings relating to technical instructors.
- 6.11 To make necessary provisions relating to apprenticeship training.
- 6.12 To make necessary arrangements for training centres, training package and trainers in order to operate short-term or mobile

training programmes in various places within the areas of technical schools.

- 6.13 To make provisions, or cause to be made provisions, relating to classification, examination and certification of skills.
- 6.14 To set certification criteria of skills and determine the standards of skills.
- 6.15 To harmonize curricula of in-service and pre-service, technical and vocational training curricula being operated by governmental and non-governmental bodies, and determine standards of and give recognition to such trainings at the central level.
- 6.16 To perform, or cause to be performed, necessary functions for the generation of basic, medium level and higher level technical human resources.
- 6.17 To implement, or cause to be implemented, programmes passed by the Assembly.
- 6.18 To bring about assistance from national and international sectors and mobilize, or cause to be mobilized, assistance received, in a well-planned manner.
- 6.19 To give necessary advice to the Government of Nepal for the technical education and vocational training.
- 6.20 To make agreements or contracts with native, foreign or international organization, by obtaining prior approval of the Government of Nepal.
- 6.21 To submit annual budget, progress reports, audit reports and other reports of the Council to the Assembly for approval or endorsement or information.

6.22 To perform, or cause to be performed such other functions as may be required for the accomplishment of the objects of this act.

6A.²⁴ Recognition of certificate: The certificate granted by the Council to any student who, having passed school level certificate level examination from an educational institute affiliated with the Council, has studied for at least Two years shall be equivalent to the proficiency certificate level of a university or other educational institute.

7. Powers to form committees, sub-committees or task forces:

7.1 The Council may, as per necessity, form various committees, sub-committees and task forces for the smooth operation of its activities.

7.2 The functions, duties, powers and procedures of meetings of the committees, sub-committees or task forces shall be as prescribed.

8. Power to bring about financial resources: The Council may, by obtaining prior approval of the Government of Nepal, borrow loans, obtain grants or bring about financial resources in any other manner to meet the amounts required for the smooth operation of its activities.

8A.²⁵

9.²⁶ Provisions relating to employees:

9.1 The Council may appoint employees as required.

9.2 The provisions relating to remuneration, terms and conditions of service and facilities of the employees of the Council shall be as prescribed.

²⁴ Inserted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006).

²⁵ Inserted by Education and Sports Related Some Nepal Acts Amendment Ordinance, 2062 (2006) and repealed by the Education and Sports Related Some Nepal Acts Amendment Act, 2063 (2006).

²⁶ Amended by the First Amendment.

10. Fund of Council:

- 10.1 The Council shall have a separate fund of its own, and the fund shall consist of the following amounts:
- 10.1.1 Grants received from the Government of Nepal,
- 10.1.2 Amounts received from any international or foreign organization through the Government of Nepal,
- 10.1.3 Amounts earned from the movable and immovable properties of the Council,
- 10.1.4 Any other amount received by the Council.
- 10.2 All amounts paid to the fund of the Council shall be credited to an account to be opened with the *Nepal Rastra Bank* or any commercial bank in the name of the Council.
- 10.3 All the expenditures to be made on behalf of the Council shall be chargeable on the fund as referred to in Sub-section 10.1.
- 10.4 The operation of the account of the Council shall be as prescribed.

11. Accounts and audit of the Council:

- 11.1 The accounts of the Council shall be maintained in the prevailing form and method of the Government of Nepal.
- 11.2 The audit of the Council shall be performed by the Office of the Auditor General.
- 11.3 The Government of Nepal may, if it so desires, inspect, or cause to be inspected, the accounts of the fund and other cash and in-kind of the Council at any time.

12. **Delegation of powers:** The Council may, as required, delegate any or all of the powers conferred to it under this Act to any committee, sub-committee, task force²⁷ or office employee of the Council.
13. **Power of the Government of Nepal to give direction:** The Government of Nepal may give necessary direction to the Council in relation to the fixation and certification of standards of the technical education and vocational training and skills.
14. **Liaison with the Government of Nepal:** In making contact with the Government of Nepal, the Council shall do so through the Ministry of Education and Sports.
15. **Powers to frame Rules:** The Government of Nepal may frame necessary Rules for the implementation of the objectives of this Act.
16. **Powers to frame bye-laws:** The Council may, subject to this Act and the Rules framed under this Act, frame necessary Bye-laws for the operation of its activities.
- ²⁸The Bye-laws so framed shall come into force only upon being approved by the Government of Nepal.
17. **Repeal and Saving:**
- 17.1 The Technical and Vocational Education Board (Formation) Order, 2039 (...) is, hereby, repealed, and all rights and liabilities of the Board formed pursuant to that Order shall devolve on the Council.
- 17.2 All acts done and actions and taken under Technical and Vocational Education Board (Formation) Order, 2039 (...) shall be deemed to have been done and taken by the Council.

²⁷ Deleted by the First Amendment.

²⁸ Inserted by the Education and Sports Related Some Nepal Acts Amendment Act, 2063(2006).