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Act No 5 of the year 2049

An Act designed for the management of Nepal Academy of Science and Technology

Preamble: It being desirable to bring into function the Nepal Academy of Science and Technology as a capable and organized body in order to create conducive environment for scientific and technological activities, to promote research and develop in science and technology, and to encourage and honor talented scientists and technologists working in the field of science and technology;

The parliament has promulgated this Act in the Twenty-first year of reign of His Majesty the King Birendra Bir Bikram Shah Dev.

Chapter-1

Preliminary

1. Short name and commencement:

- (1) This act has been named as Nepal Academy of Science and Technology~~x~~Act, 1992.
- (2) This act shall come into force with immediate effect.

2. Definitions: Unless the subject and the context require otherwise, in this Act

- (A) 'Academy' shall mean the Nepal Academy of Science and Technology~~x~~ set up pursuant to Section 3 of the Act.
- (B) 'Chancellor' shall mean the Chancellor of the Academy.
- (C) 'Pro Chancellor' shall mean the Pro Chancellor of the Academy.
- (D) 'Vice Chancellor' shall mean the Vice Chancellor of the Academy.
- (E) 'Assembly' shall mean the Academic Assembly of the Academy.
- (F) 'Council' shall mean the Management Council which acts as the executive body of the Academy.
- (G) 'Service Commission' shall mean the Service Commission set up pursuant to Section 18 of the Act.
- (H) 'Academician' shall mean the academician Pursuant to Section 10.
- (I) 'Specified' or 'As Specified' shall mean provisions specified by the Rules and Regulations enacted under this Act.

Chapter 2

Establishment, objectives, functions, duties and rights of the Academy

3. Establishment of the Academy:

- (1) The "Nepal Bigyan tatha Prabidhi Pragya Pratisthan"^x has been established.
- (2) The Academy shall be called ~~✕~~ 'Nepal Academy of Science and Technology' in English.
- (3) Central office of the Academy shall be located in the Kathmandu Valley.

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

- (2) The Academy shall have its own separate seal for its entire business.
- (3) The Academy, like an individual, shall have the right to acquire, possess, sell or manage in other ways movable or immovable property.
- (4) The Academy, like an individual, may sue others or be sued against with the same name.

5. **Objective of the Academy:** The main objectives of the Academy shall be to develop and facilitate to promote science and technology for the overall development of the country, conserve and modernize or facilitate them for local technologies, conduct or facilitate to conduct research in science and technology, identify foreign technologies appropriate for the country and facilitate to transfer such technologies.

6. **Functions, duties and rights of the Academy:** The academy shall have the following functions, duties and rights;

- (A) To conduct study and research, and develop and promote different aspects of science and technology on priority basis.

^x Changed by Second amendment

~~✕~~ Removed by second Amendment

- (B) To help the Government of Nepal in formulation and implementation of policy on technology transfer.
- (C) To conduct or facilitate to conduct programs in collaboration with national and international organizations related to science and technology.
- (D) To provide service by developing a central documentation and information system.
- (E) To hold or facilitate to hold workshops, conferences etc on science and technology and publish or facilitate to publish publications on science and technology.
- (F) To establish, expand and strengthen ties and increase mutual cooperation with regional, international and foreign institutions related to science and technology.
- (G) To secure and mobilize technical, financial and other assistance from national and international institutions for the operation of the Academy and activities related to science and technology.
- (H) To honor and encourage persons and institutions contributing significantly to the development, promotion and use of science and technology.
- (I) To promote or facilitate in promoting public awareness on the uses and importance of science and technology and create conducive environment for the use of science and technology.
- (J) To conduct study programs and achievements of national bodies related to science and technology and prepare periodic reports.
- (K) To advise the Government of Nepal to launch programs for the development of science and technology.
- (L) To advise the government of Nepal on establishment of new bodies and/or laboratories related to research and development of science and technology.
- (M) To provide specified financial and technical assistance for the development of any agency or laboratory related to science and technology within the country.
- (N) To establish an exhibition hall of the best innovations and models related to science and technology.
- (O) To conduct or facilitate to conduct other activities to fulfill the objectives of the Academy.

Chapter 3

✕Chancellor, pro chancellor and academicians

7. *.....

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

(2) The chancellor shall be the chief of the Academy and the chairman of the Assembly.

(3) The Chancellor shall have the right to inspect, make inquiry or issue directives on any issue or activity of the Academy or related to the Academy.

(4) The chancellor may cancel any activities in written any action which is against this Act or the Rules or Regulations enacted under this Act or may make inquiry by withholding such activities and shall inform the Assembly about such actions.

✧5. ✕

9. **Pro-Chancellor:** ** (1) ✕ Minister or Minister of State for Science and Technology shall be the Pro-Chancellor of the Academy.

(2) The Pro-Chancellor shall implement the tasks assigned by the assembly or the Chancellor.

(3) The Pro-Chancellor shall perform the duties of the Chancellor in his absence.

** 10. **Academicians:** ✕(1) Scholars who have contributed significantly to science and technology sector shall qualify to become the Academy's Academicians. To make recommendations for the nomination of Academicians, the Chancellor shall form a committee led by Pro Chancellor. The committee shall have the Vice Chancellor and a member of the Assembly as the members.

✕ Removed by second Amendment

* Annulled by some Nepal acts Amendment Act, 2007

✧ Removed by first Amendment

** Amended by first Amendment

** Removed by first Amendment

✕ Added by second Amendment

- (2) The committee formed as per Sub-section (1) shall recommend names from among the personalities making significant contribution to science and technology sector and those meeting the specified qualifications to the Chancellor for nomination as Academicians. Even the foreign personalities can be recommended for nomination as Academicians. However, such foreign Academicians cannot be the members of the Assembly.
- (3) The Chancellor shall nominate personalities recommended as per Sub-section (2) as the Academicians of the Academy.
- (4) While nominating Academicians as per sub-section (3), a maximum of two Academicians shall be nominated every year*.
- ☒5. Other provisions regarding the Academicians shall be as specified.

☒10. A. **Associate Academicians:** (1) Talented scientists and technologists who have pursued higher studies or conducted research in science and technology sector shall qualify to become Associate Academicians of the Academy. To recommend the nomination of Associate Academicians, the Chancellor shall form a committee led by Pro Chancellor. The committee shall have Vice Chancellor and a member of the Assembly as the members.

- (2) The committee formed under Sub-section 1 shall recommend names from among talented scientists and technologists who have pursued higher studies or conducted research in science and technology sector and who meet the specified qualifications to the Chancellor for nomination as Associate Academician.
- (3) The Chancellor shall nominate the personalities recommended as per Sub-section (2) as the Associate Academicians of the Academy.
- (4) While nominating the Associate Academicians under Sub-section (3), a maximum of five persons shall be nominated in the first year when this Section comes into effect and a maximum of two persons every year then after.
- (5) Other arrangements regarding the Associate Academicians shall be as specified.

☒ Added by second Amendment
☒ Amended by first Amendment

Chapter 4

Organizational structure of the Academy and Academic Assembly

11. Structure of the Academy: The structure of the Academy shall be as mentioned below. The collective form of these units shall be the organizational structure of the Academy.

- (A) Academic Assembly,
- (B) Management Council,
- (C) Service Commission,
- (D) Central office,
- (E) Committees and Organizations

12. Composition of the Academic Assembly: (1) The Academy shall have an Academic Assembly as the supreme body.

(2) The Academic Assembly shall have the following composition:

- | | | |
|-----|---|---------------|
| (A) | Chancellor | Chairman |
| (B) | Pro Chancellor | Vice chairman |
| (C) | Vice Chairman, National Planning Commission | Member |
| (D) | Vice Chancellor | Member |
| (E) | Maximum of two from among Vice Chancellors of universities nominated by Chancellor | Member |
| (F) | Three persons nominated by the Chancellor from among the chiefs of professional organizations established pursuant to the prevailing laws | Member |
| (G) | Two persons nominated by the Chancellor from among the scientists and technical staff working in the Academy | Member |

- ✕(H) Twenty seven persons nominated by the Chancellor from among the Academicians keeping in view with the principle of inclusion and appropriate representation of women Member

However, the principle of inclusion shall be adopted to the maximum possible extent while making the nominations.

- ☒(H1) Two persons nominated by the Chancellor from among the Associate Academicians Member
- ☒(H2) Secretary, Ministry of Environment, Science and Technology Member
- ☒(H3) Two persons nominated by the Chancellor from among Gazetted First Class or above Officers of Government of Nepal working in science and technology sector Member
- ☒(H4) Two persons nominated by the Chancellor from among persons related to science and technology in the industrial sector Member
- I. Secretary of the Academy Member Secretary

✕(3). The nomination of members under Section E, F, G, H, H1, H3 and H4 of Sub-section 2 shall be as per the recommendation of the Vice Chancellor.

(4) The facilities of the assembly members shall be as specified.

13. Functions, duties and rights of the Assembly: The functions, duties and rights of the Assembly shall be as follows:

- (A) To fix the Academy's short-term, long-term, time relevant and annual policies, plans and programs.
- (B) To approve the Academy's annual or supplementary budget.
- (C) To approve rules regarding the operation and management of the Academy.

✕ Amended by the second Amendment

☒ Added by second Amendment

✕ Amended by the second Amendment

- (D) To carry out or facilitate to carry out coordination and evaluation of the performance of the Academy.
- (E) To appoint and set salary of auditor for the auditing of the Academy's account.
- (F) To direct the council to act on audit report and other reports of the academy.
- (G) To provide scholarships, fellowships, medals and awards and arrange honor, felicitation, or awards for persons and institutions making excellent contribution to science and technology sector.
- (H) To approve after discussion the annual report presented to the Assembly.
- (I) To make the Council execute or facilitate to execute other activities necessary to fulfill the Academy's objectives.

14. Assembly meeting: (1) The Assembly shall normally meet twice a year.

- (2) The Assembly meeting shall be chaired by the Chairman of the Assembly. In the absence of the Chairman, it shall be chaired by the Vice Chairman.
- (3) The other procedures of the Assembly meeting shall be as specified.

Chapter 5

Management Council

15. Composition of the Council: (1) There shall be a Management Council as mentioned below to work as the executive body of the Academy under this Act or Regulations under this Act and the directions of the Assembly:

- | | | |
|-----|---|------------------|
| (A) | Vice Chancellor | Chairman |
| (B) | A maximum of five Assembly members
nominated by the Chancellor | Member |
| (C) | Secretary of the Academy | Member Secretary |

- (2) The Council and its office bearers shall be collectively and personally accountable to the Assembly.

16. Functions, duties and rights of the Council: The council shall have the following functions, duties and rights:

- (A) To execute the decisions of the Assembly and follow the decisions of the Assembly issued time to time.
- (B) To present the annual programs, budget, audit report and other reports of the Academy before the Assembly for decision.
- (C) To protect and take care of the movable and immovable property of the Academy.
- (D) To manage and operate the fund of the Academy.
- (E) To make necessary arrangements for the management of administration and other sections of the academy.
- (F) To accept donations and gifts for the Academy.
- (G) To perform (other duties) as directed by the Assembly and as specified.

17. Meeting of the Council: (1) The Council shall normally meet four times a year.

- (2) The Council meeting shall be chaired by the Chairman. In the absence of the Chairman, a member selected by the Council members from among them shall chair the meeting.
- (3) Other procedures regarding the Council meeting shall be as specified.

Chapter 6

Service Commission

18. Service Commission of the Academy: (1) To make recommendation for permanent appointment and promotion of employees in the Academy, there shall be an Academy Service Commission as follows:

- | | | |
|-----|--|------------------|
| (A) | Person nominated by chancellor | Chairman |
| (B) | A member designated by the chairman of the Public Service Commission | Member |
| (C) | A person nominated by the Chancellor from among the Academicians | Member |
| (D) | Secretary of the Academy | Member Secretary |
- (2) The tenure of the Chairman and Members of the Service Commission shall be **four years and they can be reappointed for one more term.
- (3) The functions, duties and rights of the Service Commission shall be as specified.
- (4) The function, duties and rights and salary, facility and conditions of the Chairman and members of the Service Commission shall be as specified.
- (5) Chairman of the Commission shall present the Commission's annual report to the Chancellor and the Chancellor shall present the report to the Assembly for consideration. After considering the report, the Assembly can issue directions to the Service Commission.

Chapter 7

Office bearers, central office, committees and other Agencies

19. Vice-Chancellor: (1) The Vice-Chancellor shall be the full time chief executive authority of the Academy.
- #(1.A) For the appointment of the Vice-Chancellor, the Chancellor shall form a committee led by the Pro-Chancellor and two members from among the Assembly members. The person selected from among the personalities who have made excellent contribution to science and technology sector and recommended by the committee shall be appointed as Vice Chancellor by the Chancellor.
- (2) The tenure of the Vice Chancellor shall be *four years. The Vice Chancellor can be re-appointed to the post for one more term.
- (3) The responsibility to implement or facilitate to implement the decisions and directions of the Assembly and the Council shall lie on the Vice Chancellor.
- (4) The duty of the Vice-Chancellor shall be to follow and make others to follow the Rules and Regulations enacted under this Act.
- (5) The Vice Chancellor shall have a general control over all activities of the academy.
- (6) Other functions, duties and rights of the Vice Chancellor shall be as specified.
- (7) Vice Chancellor's salary, facility and service conditions shall be as specified.
- (8) If the Vice Chancellor feels that something is to be done immediately within the boundaries of this Act or Regulations framed under this Act, he can do so but he shall inform the Assembly about the action as early as possible.

- # 19. A. Removal from the post:** (1) The Chancellor shall form a probe committee led by Pro Chancellor and having two members from the Assembly if one fourth of the existing Assembly members lodge a written complaint against the Vice Chancellor or Chairman of the Service Commission for not carrying out their duties.
- (2) The committee formed under Sub-section 1 shall submit its probe report to the Assembly.
- (3) Acting on the probe report presented as per Sub-Section (2), if a simple majority of the Assembly recommends that the Vice Chancellor or Service Commission Chairman have not fulfilled their duty, the Chancellor can remove them from the posts. However, the persons shall not be barred from the opportunity of defending themselves before recommending their ouster.
- 20. Secretary:** (1) The Chancellor shall appoint the Secretary of the Academy based on the recommendation of the Vice Chancellor.
- (2) The Secretary shall be a full-time official in the Academy.
- (3) The tenure of the Secretary shall be four years and his term can be extended for one more time.
- (4) The staffs, the general administration, finance and account shall remain under the secretary. He shall perform other duties as specified under the supervision of the Council and the Vice Chancellor.
- (5) Functions, duties and rights as well as salary, facilities and service and other terms of the secretary shall be as specified.
- 21. Central office of the academy:** (1) The Academy shall have a central office.
- (2) The structure, function, duties and rights of the central office shall be as specified.
- 22. Committees:** (1). Different committees may be formed for dealing with matters under the jurisdiction of the Chancellor, Vice Chancellor, Assembly, Council and other officials.
- (2) The functions, duties, rights and working procedure of the committees formed under sub-section 1 shall be as specified.
- 23. Other organs:** (1) To achieve the objectives of the Academy if deemed necessary by the Assembly, other appropriate organs may be constituted time to time. Such organs shall remain under the central office.
- (2) The structure, function, duty, responsibility and working procedure of such organs constituted under Sub-section 1 shall be as specified.

Chapter 8

Fund, account and audit of the Academy

- 24. Fund of the Academy:** (1) The Academy shall have a fund.
- (2) The fund under Sub-section 1 shall have following amount:
- (A) Amounts received from the Government of Nepal
 - (B) Amounts obtained in terms of loan, donation, assistance, grant or gift from individuals, organizations or countries.
 - (C) Amounts obtained from other sources.
- (3) The fund of the Academy shall be deposited in an account opened in any commercial bank.
- (4) The operation of the fund and account of the Academy shall be as specified.
- (5) All costs of the Academy shall be covered from the funds under Sub-section 2.
- (6) The Council, without not going against the interests of the Academy, can appropriately invest the fund of the Academy.
- 25. Account and Auditing:** (1) The income and expenditure accounts of the academy shall be maintained as per the existing laws.
- (2) Auditing of the accounts of the Academy shall be done by the auditor appointed by the Assembly.

Chapter 9

Miscellaneous

- 26. Annual report:** ~~1~~(1) The Vice Chancellor shall present the annual report before the Assembly within the prescribed time and the Assembly can issue necessary directions after considering the report. The annual report shall be given a final shape after incorporating the directions of the Assembly.
- (2) The annual report under Sub-Section (1) shall include, among other things, main activities of the Academy on science and technology sector, achievements in the sector, practical and industrial use of science and technology, income and expenditure details, and details of expenditures in all sectors including study, research and administration.
- (3) The Vice Chancellor shall submit the annual report finalized after the consideration by Assembly as per Sub-Section (1) to the Prime Minister.
- (4) The Prime Minister shall make public the report received under Sub-clause (3) through the Minister for Environment, Science and Technology.
- 27. Delegation of Authority:** The Assembly can delegate wholly or partially its authority under this Act and Rules and Regulations framed under this Act to the Council.
- 28. Liaison ministry:** The academy shall contact the government of Nepal through the Ministry of Environment, ^{**} Science and Technology.
- 29. The Government of Nepal may issue directives:** The Government of Nepal can issue directives to the Academy to achieve the objectives of this Act and such directives shall be obligatory to the Academy.
- 30. Exemption and facilities to the Academy:**
- (1) The money the Academy receives in gift, donation, grants and other income as well as the property of the Academy shall not be subjected to tax.
2. Scholarships, fellowships and awards provided by the Academy shall not be subjected to income tax.

Added by second Amendment

^{**} Amended by first Amendment

- 31. Right to make Rules and Regulations:** (1) The Assembly can enact necessary Rules to achieve the objectives of this Act.
- (2) The Council can promulgate necessary Regulations within the boundaries of this Act and Rules promulgated under it to facilitate the operation of the Academy.
- 32. Defense:** The Royal Nepal Academy of Science and Technology established by His Majesty the King under the provision relating to the Royal Nepal Academy of Science and Technology shall be considered established under this Act.

**Changed by First Amendment

☒ Changed by Second Amendment

☒ Added by First Amendment

☒ Added by Second Amendment

✧ Removed by First Amendment

✂ Removed by Second Amendment

Scrapped by Some Nepal Law Amendment Act 2063