

**The National Academy of Medical Sciences Act, 2063 (2007)**

**Date of Authentication and Publication**

Act number 26 of the year 2063(2007)

**An Act made to provide for the National Academy of Medical Sciences**

**Preamble:** Whereas, it is expedient to make legal provisions for the establishment and operation of the National Academy of Medical Sciences, in order to generate such competent human resources by providing high standard study and research works in the field of medical sciences and to provide the general public with quality health services;

Now, therefore, the House of Representatives, 2063(2007) has enacted this Act in the first year of the promulgation of the Declaration of the House of Representatives, 2063(2007).

**Chapter-1**

**Preliminary**

1. **Short title and commencement:** (1) This Act may be cited as the "National Academy of Medical Sciences Act, 2063 (2007)."

(2) This Act shall be deemed to have come into force on 23 Baishak 2063 (2007).

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



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- (a) "Academy" means the National Academy of Medical Sciences established pursuant to Section 3.
- (b) "Assembly" means the Assembly formed pursuant to Section 7.
- (c) "Academic Council" means the Academic Council formed pursuant to Section 9.
- (d) "Governing Council" means the Governing Council formed pursuant to Section 11.
- (e) "Service Commission" means the Service Commission formed pursuant to Section 13.
- (f) "Hospital" means the Bir Hospital established pursuant to Section 14.
- (g) "Chancellor" means the Chancellor as referred to in Section 16.
- (h) "Pro-Chancellor" means the Pro-Chancellor as referred to in Section 17.
- (i) "Vice-Chancellor" means the Vice-Chancellor as referred to in Section 18.
- (j) "Rector" means the Rector as referred to in Section 19.
- (k) "Registrar" means the Registrar as referred to in Section 19.
- (l) "Dean" means the Dean as referred to in Section 19.
- (m) "Director" means the Director as referred to in Section 20.
- (n) "Teacher" means a person appointed to carry out teaching and research works in the Institute.
- (o) "Prescribed" or "as prescribed" means prescribed or as prescribed in this Act or the rules framed under this Act.



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## Chapter-2

### Establishment, Structure, and Functions, Duties and Powers of the Academy

**3. Establishment of the Institute:** (1) The National Academy of Medical Sciences is hereby established in order to carry out functions, which include high level study and research works in the field of medical sciences.

(2) The head office of the Academy shall be situated in the Kathmandu Valley.

(3) The Academy shall be cited as the “National Academy of Medical Sciences” in English.

**4. Institute to be autonomous body corporate:** (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. Structure of the Academy:** The Academy shall consist of the following organizations, and their collective form shall be the structure of the Academy:

- (a) Assembly,
- (b) Academic Council,
- (c) Governing Council,
- (d) Service Commission,
- (e) Hospital, and



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(f) Such other bodies as prescribed.

**6. Functions, duties and powers of Academy:** (1) The functions, duties and powers of the Academy shall be as follows:

(a) To carry out teaching, learning, training and research works on various subjects of health,

(b) To provide quality health services,

(c) To make agreements with native and foreign universities, academic institutes and hospitals for the operation of teaching, learning, training and research programs on various subjects of health,

(d) To generate such competent human resources as may be required for the provision of quality health services,

(e) To maintain coordination with any native or foreign universities, educational institutes or hospitals in order to strengthen the standards of various programs launched by the Academy,

(f) To have exchange of mutual assistance by establishing, expanding and strengthening relationship with any native and foreign universities, institutes and international organizations related with health,

(g) To organize, or cause to be organized, symposia, conferences and seminars on various matters relating to health,

(h) To publish, or cause to be published, various books on health.

(i) To perform such other functions as may be prescribed.

(2) The functions, duties and powers of the Academy shall be performed and exercised through the organization of the Academy.



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### Chapter-3

#### Formation and functions, duties and powers of the Assembly

7. **Formation of the Assembly:** (1) There shall be an Assembly as the supreme organ of the Academy.

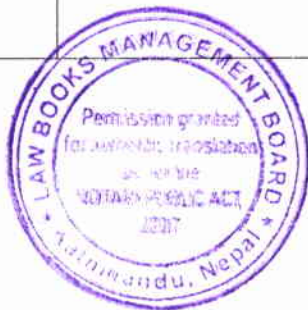
(2) The Assembly shall be formed as follows:

(a)	Pro-Chancellor	-Chairperson
(b)	Vice-Chancellor	Vice-Chairperson
(c)	Member, National Planning Commission (looking after the health sector)	-Member
(d)	Two persons nominated by the Assembly from amongst the vice-chancellors of the universities and academies imparting higher education on health sciences	-Member
(e)	Secretary, Ministry of Health and Population	-Member
(f)	Secretary, Ministry of Education and Sports	-Member
(g)	Secretary, Ministry of Finance	-Member
(h)	Chairperson, University Grant Commission	-Member
(i)	Chairperson, Nepal Medical Council	-Member
(j)	Chairperson, Nepal Health Research Council	-Member
(k)	Rector	-Member



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(l)	Dean	-Member
(m)	Mayor, Kathmandu Municipal Corporation	-Member
(n)	Two persons nominated by the Government of Nepal from amongst the directors or medical superintendents of the hospitals which have entered into agreement with the Academy	-Member
(o)	Dean, Institute of Medical Sciences, Tribhuvan University	-Member
(p)	One person nominated by the Assembly, on recommendation of the Academic Council, from amongst the scientists in the field of health	-Member
(q)	Two persons nominated by the Assembly, on recommendation of the Academic Council, from amongst the teachers	-Member
(r)	Chief of nursing institution run under the Academy	-Member
(s)	Two persons so nominated by the Government of Nepal from amongst the imminent learned and social activists as also to have representation of women	-Member
(r)	Registrar	-Member Secretary



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(3) The term of office of the members nominated pursuant to sub-section (2) shall be three years.

(4) If the Assembly so intends, it may invite any person involved in teaching and research works in the field of medical sciences to attend its meeting as an observer.

(5) Procedures relating to the meetings of the Assembly shall be as prescribed.

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

- (a) To approve the policies, plans and programs of the Academy,
- (b) To approve the rules of the Academy,
- (c) To pass the annual budget of the Academy,
- (d) To grant scholarships, titles, certificates, medals and prizes to the concerned persons, on recommendation of the Academic Council,
- (e) To approve the proposals submitted by the Academic Council and the Governing Council,
- (f) To perform such other functions as prescribed.

#### Chapter-4

#### Formation and functions, duties and powers of Academic Council

**7. Formation of the Academic Council:** (1) There shall be an Academic Council as a body responsible for the management of the educational, academic and research works of the Academy.

(2) The Academic Council referred to in sub-section (1) shall be formed as follows:



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(a)	Rector	-Chairperson
(b)	Representative, (at least Gazetted first class), Ministry of Health and Population	-Member
(c)	Representative, (at least Gazetted first class), Ministry of Education and Sports	-Member
(d)	Three persons nominated by the Assembly from amongst the teachers of the Academy	-Member
(e)	Three persons nominated by the Assembly, on recommendation of the Academic Council from amongst the coordinators of various subjects run by the Academy	-Member
(f)	Two persons so nominated by the Academic Assembly as to have representation from amongst the educational institutes running master level program in medical sciences	-Member
(g)	Chief of Nursing Campus	-Member
(h)	Dean	-Member Secretary

(3) The term of office of the members nominated pursuant to sub-section (2) shall be three years.

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



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**10. Functions, duties and powers of the Academic Council:** The functions, duties and powers of the Academic Council shall be as follows:

- (a) To launch, or cause to be launched, study and research programs in order to impart education on various subjects and levels of medical sciences,
- (b) To determine the qualification of teachers required for the Academy,
- (c) To prepare curricula and course books,
- (d) To select students,
- (e) To hold examinations and publish results thereof,
- (f) To make recommendation to the Assembly to grant titles of academic qualification and certificates to the students who have passed examinations,
- (g) To make recommendation to the Assembly to grant medals and prizes to those students who pass examination with distinction,
- (h) To make recommendation to the Assembly to grant honorary titles, medals and prizes to those students who render excellent contribution in the field of medical sciences,
- (i) To make recommendation to the Assembly to provide scholarship to those persons and students who make excellent performance on study, research and training programs conducted by the Academy,
- (j) To determine the fees for study, training and research,
- (k) To implement, or cause to be implemented, the decisions which have been approved by the Assembly and are related with the Academic Council,



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- (o) To carry out such other functions as prescribed.

## Chapter-5

### Formation and functions, duties and powers of Governing Council

**11. Formation of Governing Council:** (1) There shall be a Governing Council to act as the executive body of the Academy.

(2) The Governing Council shall be formed as follows:

(a)	Vice-chancellor	-Chairperson
(b)	Rector	-Member
(c)	Dean	-Member
(d)	One person from amongst the teachers	-Member
(e)	Director	-Member
(f)	Registrar	-Member secretary

(3) The members referred to in clause (d) of sub-section (2) shall be nominated by the Pro-Chancellor, on recommendation of the Vice-Chancellor.

(4) The term of office of the members nominated pursuant to sub-section (2) of shall be three years.

(5) Procedures relating to the meeting of the Governing Council shall be as prescribed.

**12. Functions, duties and powers of the Governing Council:** The functions, duties and powers of the Governing Council shall be as follows:



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- (a) To implement, or cause to be implemented, the decisions and directions of the Assembly,
- (b) To prepare the annual programs, budget, progress details, audit reports and other proposals of the Academy, and submit the same to the Assembly for approval,
- (c) To operate, look after and protect the funds and movable and immovable properties of the Academy,
- (d) To sell, dispose of, lease and contract the movable and immovable properties of the Academy, subject to the policies and directions of the Assembly,
- (e) To coordinate, look after, inspect the programs run by the Academy and submit a report thereof to the Assembly,
- (f) To prepare a draft of rules relating to the Academy and submit the same to the Assembly for approval,
- (g) To appoint and promote, on the recommendation of the Service Commission, such teachers and employees as may be required for the Academy,
- (h) To receive donations, financial and other assistance provided to the Academy,
- (i) To perform such functions as may be specified by the Assembly,
- (j) To perform such other functions as may be prescribed.



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## Chapter-6

### Formation and functions, duties and powers of the Service Commission

13. **Formation of the Service Commission:** (1) There shall be a Service Commission to make recommendation for the appointment and promotion of the teachers and employees of the Academy.

(2) The Service Commission shall consist of one chairperson and two members.

(3) The Assembly shall appoint the chairperson and members of the Service Commission from amongst the following persons:

(a) The chairperson from amongst the persons who have done at least master's degree in medical sciences and then served for at least twenty years in the concerned field,

(b) One member from amongst the persons who have done at least master's degree in medical sciences and then served for at least fifteen years in the concerned field, and

(c) One member from amongst the persons who have done at least bachelor degree in law, management or public administration and then served for at least fifteen years in the concerned field.

(4) The term of office of the chairperson and members of the Service Commission shall be four years.

(5) Other functions, duties and powers of the Service Commission shall be as prescribed.



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(6) The remuneration, facilities and other terms of service of the chairperson and members of the Service Commission shall be as prescribed.

(7) The procedures relating to the meetings of the Service Commission shall be as prescribed.

## Chapter-7

### Establishment and operation of hospital and educational institute

**14. Establishment and operation of the hospital:** (1) The Academy shall establish a hospital for the purpose of carrying out higher standard study and research works in the field of health sector and providing quality health services.

(2) The Bir Hospital which has been established under the laws in force and in operation at the time of the commencement of this Act shall be deemed to have been established pursuant to sub-section (1).

(3) The hospital shall be operated and managed in such manner as may be prescribed.

**15. Establishment and operation of educational institute:** (1) The Academy may establish any educational institute for the purpose of carrying out study and research works on various subjects.

(2) The Nursing Campus being run under the hospital at the time of the commencement of this Act shall be deemed to have been established pursuant to sub-section (1).

(3) The Nursing Campus shall be operated as prescribed.



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Secretary

## Chapter-8

### Provisions relating to office-bearers, teachers and employees of the Academy

16. **Chancellor:** (1) The Prime Minister shall be the Chancellor of the Academy.
- (2) The Chancellor shall be the chief of the Academy.
17. **Pro-Chancellor:** (1) The Minister for Health and Population or the Minister of State for Health and Population shall be the Pro-Chancellor of the Academy.
- (2) The Pro-Chancellor may, as required, inspect, and give direction to the Academy.
18. **Vice-Chancellor:** (1) The Vice-Chancellor shall be the whole timer chief office-bearer of the Academy.
- (2) The Chancellor shall form a committee under the chairpersonship of the Pro-Chancellor and consisting of other two members of the Assembly to make recommendation for appointment to the office of Vice-Chancellor of the Academy; and the Chancellor shall, on recommendation of the committee, appoint the Vice-Chancellor.
- (3) The term of office of the Vice-Chancellor shall be four years.
- (4) The functions of the Vice-Chancellor shall be performed as provided by the Pro-Chancellor in the event of the absence of the Vice-Chancellor.
- (5) The functions, duties and powers of the Vice-Chancellor shall be as prescribed.
- (6) The functions, duties and powers, remuneration, facilities and other terms of service of the Vice-Chancellor shall be as prescribed.



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**19. Rector, Registrar and Dean:** (1) The Pro-Chancellor shall, on recommendation of the Vice-Chancellor, appoint the Rector, Registrar and Dean.

(2) The term of office of the Rector, Registrar and Dean shall be four years.

(3) The appointment, functions, duties and powers, remuneration, facilities and other terms of service of the Rector, Registrar and Dean shall be as prescribed.

**20. Director:** (1) There shall be one Director to act as the administrative chief of the hospital.

(2) The appointment, functions, duties and powers, remuneration, facilities and other terms of service of the Director shall be as prescribed.

**21. Other office-bearers:** (1) There shall be such other office-bearers in the Academy as may be prescribed.

(2) The appointment, functions, duties and powers, remuneration and terms of service of the Director shall be as prescribed.

**22. Power to removal from office:** (1) If one fourth of the currently existing members of the Assembly make an application in writing to the Chancellor that the Vice-Chancellor, Rector or Registrar has failed to perform the duties of his or her office or to perform conduct corresponding to his or her office or to perform his or her duties honestly, the Chancellor shall form a three-member inquiry committee under the chairpersonship of the Pro-Chancellor, and consisting of two members of the Assembly.

(2) If the inquiry committee referred to in sub-section (1) makes a recommendation that the Vice-Chancellor, Rector or Registrar has failed to perform the duties of his or her office or to perform conduct corresponding to his or her office or to perform his or her duties honestly



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and that matter is adopted by a meeting of the Assembly, the Chancellor shall remove such Vice-Chancellor, Rector or Registrar for his or her office.

(3) Provisions relating to the removal from office of the office-bearers of the Academy, other than the Vice-Chancellor, Rector or Registrar, shall be as prescribed.

(4) Prior to removing an office-bearer of the Academy pursuant to sub-section (2) or (3), the office-bearer shall be given a reasonable opportunity to defend himself or herself.

**23. Teachers and employees of the Academy:** (1) The Academy shall have a required number of teachers and employees.

(2) The appointment and functions, duties and powers of the teachers and employees of the Academy shall be as prescribed, on the recommendation of the Service Commission.

(3) The functions, duties and powers, remuneration, facilities and terms of service of the teachers and employees of the Academy shall be as prescribed.

**24. Power to make deputation:** (1) The Government of Nepal may, at the request of the Academy, depute any employee serving in Nepal Health Service to the Academy.

(2) An employee deputed pursuant to sub-section (1) shall be entitled to the same facilities as the employee of the Academy is entitled to.

## Chapter-9

### Fund and audit of the Academy

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



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

- (a) Amounts received from the Government of Nepal,
- (b) Amounts received from educational fees and service fees,
- (c) Amounts received by way of grants or loans from any native or foreign person, organization or foreign government,
- (d) Amounts received from any other sources.

(3) In receiving amounts from a foreign person, organization, organization or government pursuant to clause (c) of sub-section (2), the Academy shall obtain prior approval of the Government of Nepal.

(4) The moneys of the fund of the Academy shall be deposited in an account opened with a bank or financial institution.

(5) All the expenditures of the Academy shall be chargeable on the fund as referred to in sub-section (1).

(6) The fund and account of the Academy shall be operated as prescribed.

**26. Accounts and audit:** (1) The accounts of the incomes and expenditures of the Academy shall be maintained in accordance with the laws in force.

(2) The audit of the accounts of the Academy shall be performed by the Auditor General.

## Chapter-10

### Miscellaneous

**27. Annual report:** (1) The Academy shall submit an annual report of the activities which it has carried out throughout a fiscal year to the



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Government of Nepal no later than three months after the date of expiration of the fiscal year.

(2) The annual report referred to in sub-section (1) shall contain, *inter alia*, a short description of the activities carried out by the Academy and achievements made by it throughout the year.

**28. Power to form committees:** (1) The Academy may, as required, form a committee to smoothly perform the functions required to be performed by it pursuant to this Act.

(2) The functions, duties and powers and rules of procedures of a committee formed pursuant to sub-section (1) shall be as specified by the Academy at the time of formation of the committee.

**29. Act or action not to be invalid:** No act or action done or taken by the Academy shall be invalid merely by the reason that the office of any office-bearer or member of the Academy has fallen vacant or there has been an error in the appointment or nomination of any office-bearer or member of any organization of the Academy.

**30. Delegation of powers:** (1) The Assembly may, as required, delegate any of the powers conferred to it under this Act to the Governing Council or the Vice-Chancellor.

(2) The Academic Council, Service Commission or Governing Council may, as required, delegate any of the powers conferred to it under this Act to any office-bearer of the Academy or to any sub-ordinate body.

**31. To carry out activities in consonance with national education and health policies:** The Academy shall have to carry out its activities in consonance with the national health and education policies approved by the Government of Nepal.



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32. **Power to give direction:** The Government of Nepal may give necessary direction to the Academy in respect of the activities of the Academy; and it shall be the duty of the Academy to abide by such a direction.
33. **Liaison with the Government of Nepal:** In making contact with the Government of Nepal, the Academy shall do so through the Ministry of Health and Population.
34. **Retention of employee in the Academy:** (1) Any employees, out of the employees of the Nepal Health Service serving in the Academy at the time of commencement of this Act, who intend to serve in the Academy, shall have to make an application to the Ministry of Health and Population within six months after the date of commencement of the rules relating to the service of employees framed under this Act.

(2) If the Government of Nepal gives permission to the employee making application pursuant to sub-section (1) to remain as the employees of the Academy, such employees shall be considered to be the employees of the Academy.

(3) The period of service of the employees, who remain as the employees of the Academy pursuant to sub-section (2), in the health service shall be counted in the period of service of the Academy.

35. **Powers to frame rules:** The Academy may frame necessary rules for the implementation of the objects of this Act.

Provided that in making rules on matters involving additional economic burden on the Government of Nepal, prior approval of the Government of Nepal has to be obtained.

36. **Repeal and saving:** (1) The Bir Hospital Development Board (Formation) Order, 2063 (2007) is hereby repealed.



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(2) All acts done and actions taken under the Order referred to in sub-section (1) shall be deemed to have been done and taken under this Act.

(3) The movable and immovable properties, monetary transactions, loans and assets as well as all rights and obligations held in the name of the Bir Hospital Development Board formed under the Order referred to in sub-section (1) shall be deemed to have devolved on the Academy.

(4) The employees in service in the Development Board formed under the Order referred to in sub-section (1) shall be deemed to have held the posts of the same level and grade of the Academy.

(5) The all acts done and actions taken by the nursing campus run under the Board formed under the Order referred to in sub-section (1) shall be deemed to have be done and taken under this Act.

**37. Effect of inoperativeness of the Ordinance, 2062 (2005):** With the National Academy of Medical Sciences Ordinance, 2062 (2005) being inoperative, unless a different intention appears, the inoperativeness shall not:

- (a) revive anything not in force or existing at the time at which the Ordinance became inoperative;
- (b) affect the matter in operation as per the Ordinance or anything that has already been done duly or any punishment suffered thereunder;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Ordinance;
- (d) affect any penalty, punishment or forfeiture incurred under the Ordinance;



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- (e) affect any action or remedy made or taken in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid; and any such legal proceeding or remedy may be instituted, continued or enforced as if the Ordinance were in force.

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