

## National Medical Education Act, 2018

Date of Authentication and publication: February 22, 2019

Act No. 25 of the year 2075 BS

### An Act to provide for National Medical Education

**Preamble:** Whereas, it is expedient to make legal provisions for the establishment and operation of the Medical Education Commission in view of the essence and spirit of the report of the Commission, Committee and Task Force formed at different times by increasing state investment in medical education, developing medical education in line with Nepal's national needs, integrating and streamlining the regulation of medical education, establishing and operating medical education institutes, and upholding quality, professionalism, institutional accountability, geographical balance and social Justice in order to ensure equal access to all students including the deprived;

Be it enacted by the Federal Parliament.

#### Chapter-1

#### Preliminary

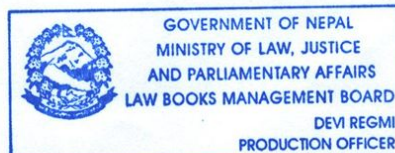
1. **Short title and Commencement:** (1) This Act may be cited as "National Medical Education Act, 2018."

(2) This Act shall come into force at once.

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



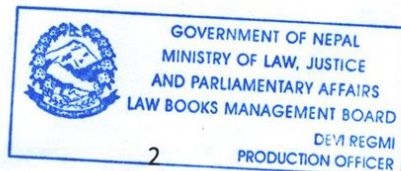
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- (a) "Commission" means the Medical Education Commission referred to in Section 3.
- (b) "Chairperson" means the Chairperson of the Commission.
- (c) "Constituent Educational Institution" means a constituent campus, medical college or educational institution teaching medical education under the ownership and investment of the University.
- (d) "Higher education" means medical education of the bachelor's level or higher than that.
- (e) "Vice-Chairperson" means the Vice-Chairperson of the Commission.
- (f) "Medical education" means health professional education of all faculties and levels.
- (g) "Medical education expert" means an expert serving, teaching, and researching in any field of health service, and the term also includes a medical education methodologist.
- (h) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.
- (i) "Director" means a director referred to in Section 29.
- (j) "Directorate" or "Board" means the Directorate or Board referred to in Section 28.



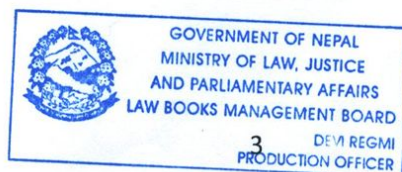
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- (k) "Council" means the Council for Technical Education and Vocational Training established in accordance with the prevailing law.
- (l) "Instructor" means a person appointed to teach at the certificate level of an educational institution.
- (m) "Academy" means an Academy established to provide medical education in accordance with the prevailing law.
- (n) "Merit Order" means the order of merit as determined by the results of the examination as prescribed by the Commission and other prescribed bases.
- (o) "University" means a University established to provide medical education in accordance with the prevailing law.
- (p) "Faculty" means the professors, associate professors and assistant professors, with at least a master's degree in the relevant subject for teaching higher education, who teach, serve and conduct research in the educational institution providing medical education.
- (q) "Tuition Fee" means the fee for admission, teaching, lab, library, community training or examination charged by the educational institution during the study period of medical education and the term also includes other fees charged by the educational institution with the approval of the Commission.



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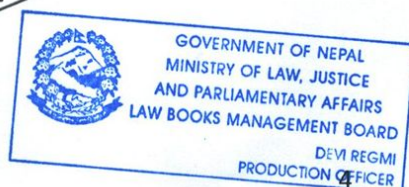
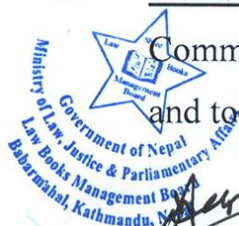


- (r) "Educational Institution" means a medical college or educational institution providing medical education established in accordance with the prevailing law and the term also includes the permission of the extended program given to operate the educational institution.
- (s) "Committee" means the Executive Committee referred to in Section 8.
- (t) "Affiliation" means a formal academic affiliation provided by a University or by the Council for Technical Education and Vocational Training to provide the curriculum, enrollment, faculty structure, examination method and degree to be followed by an educational institution for conducting its educational programs.
- (u) "Public Educational Institution" means a government, public trust or other educational institution established using government, community or public property.

## Chapter-2

### Establishment of Commission

3. **Establishment of Commission:** (1) The Medical Education Commission has been established to regulate educational institutions and to make medical education up to quality.



(2) Head Office of the Commission shall be located in Kathmandu Valley and the Commission may open branch offices at province level as required.

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

(2) The Commission shall have a separate seal of its own for all of its business.

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

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

(5) The Commission may, as an individual, enter into an agreement, exercise its powers in accordance with the agreement and discharge its obligations.

### Chapter-3

#### **Composition of the Commission and Functions, Duties and Power**

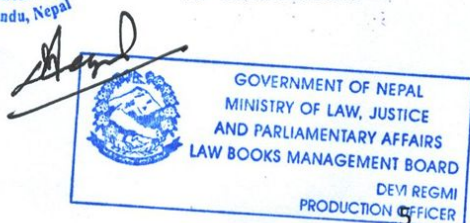
5. **Composition of the Commission:** (1) The composition of the Commission shall be as follows: -

(a) Prime Minister – Chairperson

(b) Minister of the Government of Nepal

responsible for the issues related  
to education

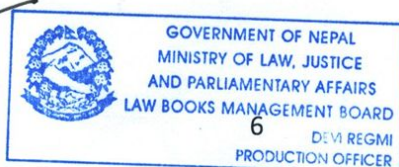
- Co-Chairperson



- (c) Minister of the Government of Nepal responsible for the issues related to health - Co-Chairperson
- (d) One person appointed by the Government of Nepal amongst the Doctors who have substantial contribution in the field of medicine - Vice-Chairperson
- (e) Member, National Planning Commission (Responsible for Education and Health Care) - Member
- (f) Three of the Vice-Chancellors from Universities and Academies conducting medical education programs - Member
- (g) Secretary to the Government of Nepal responsible for the issues related to Education - Member
- (h) Secretary to the Government of Nepal responsible for the issues related to Health - Member
- (i) Chairperson, University Grants Commission - Member
- (j) Vice President, Council for Technical Education and Vocational Training - Member
- (k) Chairperson, Ayurveda Medical Council - Member
- (l) Chairperson, Nepal Health Research Council - Member



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- (m) Chairperson, Nepal Nursing Council - Member
- (n) Chairperson, Nepal Health Practitioners Council - Member
- (o) Chairperson, Nepal Pharmacy Council - Member
- (p) Two persons including at least one woman amongst the chairpersons of authorized professional organizations related to health at national level including medical and nursing - Member
- (q) Chairperson of the authorized organization of private educational institution promoters at national level except medical and dental - Member
- (r) Two persons including at least one woman amongst the noteworthy from civil society - Member
- (s) Chairperson, Nepal Medical Council - Member
- (t) Three persons including at least two woman based on the principle of inclusion amongst medical education experts - Member
- (u) Chairperson, Nepal Medical Association - Member
- (v) Chairperson of the authorized organization of medical and dental institution promoters at national level except - Member



(w) Senior Staff of the Commission -Member-Secretary

(2) The chairperson shall nominate the members referred to in clauses (f), (p), (q), (r) and (t) of sub-Section (1).

(3) The term of office of the member nominated pursuant to Sub-section (1) shall be four years and they may be re-nominated for another term.

(4) Notwithstanding anything contained in sub-Section (3), in case the Commission decides that any nominated member failed to accomplish his/her responsibility trusted to the office or failed to fulfill the duties of his/her office, the Chairperson may at any time remove him/her from the office of member.

Provided, that he/she shall not be deprived of an opportunity to submit explanation before such removal.

6. **Functions, Duties and Powers of Commission:** In addition to the functions, duties and powers set out elsewhere in this Act, other functions, duties and powers of the Commission shall be as follows:-

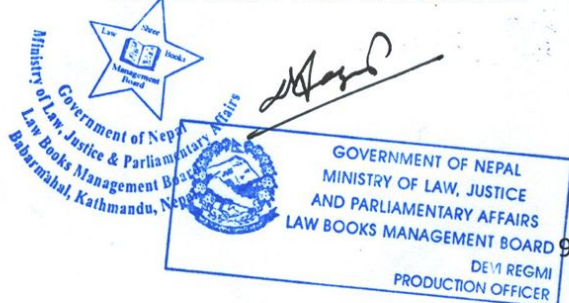
- (a) to decide as to national policy to be adopted in the field of medical education;
- (b) to determine policy and standards related to criteria of all levels and disciplines of medical education at federal and province level;
- (c) to determine policy and standards for conducting the Integrated Entrance Test;



- (d) to determine the policy, basis and standards for accreditation;
- (e) to determine policy related to academic innovation and research;
- (f) to give instructions as required to the universities, institutes and councils regarding medical education;
- (g) to approve the basis of accreditation for the National Board of Medical Specialties;
- (h) to set policy and criteria for letter of intent, affiliation and revocation of affiliation;
- (i) to confer the title on the medical doctor who passes the examination conducted by the National Board of Medical Specialties;
- (j) to approve annual budget of the Commission and the number of position of staff required for the Commission;
- (k) to approve mapping for the establishment of educational institutions;
- (l) To perform other works as prescribed.

7. **Meetings and Decisions of Commission:** (1) Meetings of the Commission shall be held as required.

Provided that the difference between the two meetings shall not be more than six months.



(2) The meeting of the Commission shall be held on the date, and at the time and place specified by the Chairperson.

(3) The Member-Secretary of the Commission shall, at least twenty-four hours before the meeting of the Commission, give the information including the agenda of the issues to be discussed in the meeting to the member of the Commission.

Provided that, a meeting may be convened at any time by the Chairman of the Commission.

(4) The quorum for the meeting of the Commission shall be deemed to have been constituted if more than fifty percent of the total number of the then members in the Commission are present.

(5) The Chairperson shall preside over a meeting of the Commission.

(6) The opinion of the majority in a meeting of the Commission shall be deemed as the decision of the meeting and in case of a tie, the person who presides over the meeting shall exercise the casting vote.

(7) The Commission may invite any person, official or expert to the meeting of the Commission.

(8) If any member has personal interest, interest or concern in any matter presented for discussion or decision in the meeting of the Commission, such member shall not be allowed to participate in the discussion or decision process on such matter.



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(9) Decision of a meeting of the Commission shall be certified by the Vice-Chairperson.

(10) Other working procedures related to the meeting of the Commission shall be as determined by the Commission itself.

#### Chapter-4

#### Composition of Committee and Functions, Duties and Powers

8. **Executive Committee:** (1) There shall be an Executive Committee to act as the executive body of the Commission.

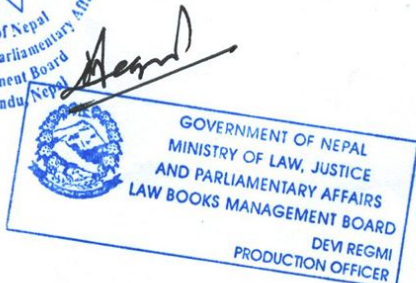
(2) The Committee shall be constituted as follows: -

- (a) Vice Chairperson - Chairperson
- (b) Directors - Member
- (c) Two persons including at least one woman nominated by the Chairman amongst the members of the Commission - members

(3) The Member-Secretary of the Commission shall act as the Member-Secretary of the Committee.

(4) The term of office of the nominated member in the Committee shall be as long as he is a member of the Commission.

(5) Notwithstanding anything contained in sub-Section (3), in case any nominated member fails to accomplish his/her responsibility trusted to the office or failed to fulfill the duties of his/her office, the Chairperson may at any time remove him/her from the office of member.



Provided, that he/she shall not be deprived of an opportunity to submit explanation before such removal.

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

- (a) to coordinate between the Directorate and the Board;
- (b) to review, monitor and evaluate works of the Directorate and the Board and to give directions to the Directorate and the Board as required;
- (c) to submit to the Commission for approval the action plan, proposal, directive or criteria submitted by the Directorate and the Board with necessary modifications;
- (d) to make recommendation to the Commission for letter of intent in accordance with this Act on the basis of the recommendation of the concerned directorate;
- (e) to implement the policies and programs approved by the Commission through the concerned directorate and board;
- (f) to send a letter to the concerned University to terminate the affiliation of the educational institution in accordance with this Act;
- (g) to co-operate and co-ordinate with national and international bodies in the field of medical education;



- (h) to prepare maps for the establishment of educational institutions;
- (i) To make recommendations before the Commission on the number of student seats, tuition fees and affiliation of the educational institution;
- (j) To do other work as prescribed.

10. **Meetings and Decisions of Committee:** (1) Meetings of the Committee shall be held as required.

(2) The meeting of the Committee shall be held on the date, and at the time and place specified by the chairperson of the committee.

(3) The Member-Secretary of the Committee shall send to all the members the information including the agenda to be discussed in the meeting at least twenty-four hours before the conduct of meeting of the Committee.

(4) The quorum for the meeting of the Committee shall be deemed to have been constituted if more than fifty percent of the total members of the Committee are present.

(5) The meeting of the Committee shall be chaired by the Chairperson of the Committee and in his/her absence by the member of the Committee chosen from among themselves.

(6) The opinion of the majority in the meeting of the Committee shall be deemed as the decision of the meeting and in



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case of a tie, the person who chairs the meeting shall exercise the casting vote.

(7) The decision of the meeting of the Committee shall be certified by the Chairperson of the Committee.

(8) Any expert or official related to the works of the Committee may be invited to participate as an observer in the meeting of the Committee.

(9) Other procedure relating to the Meeting of the Committee shall be as determined by Committee itself.

## Chapter-5

### Letter of Intent, Affiliation and Accreditation

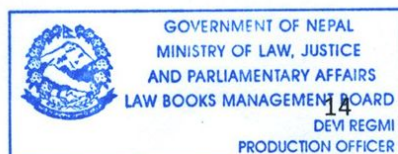
11. **Letter of Intent to be obtained:** (1) Notwithstanding anything contained in the prevailing law, those who wish to establish an educational institution shall obtain a letter of intent from the Commission for the establishment of such institution.

(2) In order to obtain the letter of intent pursuant to Sub-section (1), an application shall be submitted to the Commission by enclosing the following details and documents: -

- (a) details related to mapping for establishment of educational institution;
- (b) financial and technical proposals regarding the establishment of educational institution;
- (c) letter of consent from the University to affiliate;



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- (d) letter of approval from the Ministry of the Government of Nepal responsible for the issues of Health regarding the operation of the hospital;
- (e) Other details and documents as prescribed by the Commission.

(3) While examining the documents including the application received pursuant to Sub-section (2), if it is found that the criteria and conditions prescribed in accordance with this Act and the prevailing law have been fulfilled to establish the educational institution, the Commission shall specify the period and condition and issue a letter of intent to the applicant.

(4) The educational institution which has not operated a hospital pursuant to clause (a) of sub-section (1) of section 12, even if it has obtained the letter of intent before the commencement of this Act, the letter of intent of such institution shall not be renewed if it does not fulfill the condition pursuant to such clause within the stipulated period.

(5) Other arrangements related to the renewal of the letter of intent and the fee for renewal shall be as prescribed.

**12. Letter of intent not to be issued:** (1) Notwithstanding anything contained in Section 11, the letter of intent shall not be issued to establish an educational institution in the following conditions: -

- (a) To run any program for the study and practice of the student in related subject until the operation of at



least 300 beds in medical and 100 beds in dental and nursing;

(b) In case of non-fulfillment of other criteria prescribed by the Commission.

(2) Notwithstanding anything contained in sub-Section (1), no letter of intent shall be issued within ten years from the date of commencement of this Act for the establishment and operation of educational institution in Kathmandu Valley for conducting undergraduate programs in medical, dental and nursing subjects.

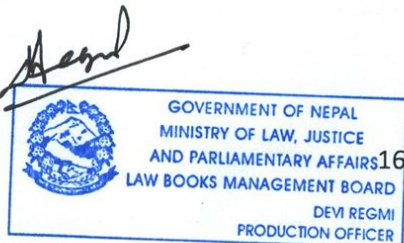
(3) In case of educational institutions which have completed the infrastructure by obtaining the letter of intent at the time of commencement of this Act, it shall be done as follows: -

(a) if the concerned educational institution wishes to transfer the property to the Government, the Government may take ownership by paying appropriate compensation; or

(b) the Government of Nepal shall provide incentive facility if the concerned educational institution wants to relocate to the area specified by the Commission.

**13. Provisions relating to Affiliation:** (1) Notwithstanding anything contained in the prevailing law, the University and the Council may not provide affiliation to any educational institution on subjects which do not have its own affiliate program.

(2) Notwithstanding anything contained in sub-Section (1), the concerned University may, on the recommendation of the



Commission, provide affiliation to the educational institution having the necessary academic and physical infrastructure and managerial capacity to conduct the new educational program which is not conducted in Nepal.

(3) The University shall not provide affiliation to more than one medical or dental educational institution in a district.

(4) Notwithstanding anything contained in sub-Section (3), there shall be no impediment to provide affiliation to more than one medical or dental educational institution in the district deemed appropriate by the Commission in view of population, available educational institution, geographical specificity, citizen's access to health care and social justice.

(5) Notwithstanding anything contained in sub-Sections (2) and (3), the University may not provide affiliation to the educational institution in the following conditions: -

- (a) in case of not fulfilling the conditions mentioned in the letter of intent received in accordance with the prevailing law;
- (b) in case not fully operated its own hospital for three years with the approval in accordance with prevailing law regarding the operation of the hospital;
- (c) in case of not fulfilling the criteria prescribed by the Commission;
- (d) in case not fulfilling other conditions or criteria to be fulfilled in accordance with the prevailing law.



(6) Notwithstanding anything contained elsewhere in this Act, after the commencement of this Act, a University may not provide affiliation to more than five educational institutions.

Provided that, this provision shall not be applicable in the case of educational institutions outside the Kathmandu Valley which have already been affiliated to and fulfilled the criteria with the letter of intent before the commencement of this Act. In the case of other educational institutions outside the Kathmandu Valley, it shall be as decided by the Commission. Nothing in this Act shall impede the decision of the Commission.

14. **Revocation of Affiliation**: (1) Notwithstanding anything contained in the prevailing law, the Commission may, in the following conditions, send a letter to the concerned University to revoke the affiliation of the educational institution or any one or more educational programs of such institution: -

- (a) in case of charging more than the prescribed fee pursuant to Section 18;
- (b) in case of violation of the standards for number of seats as determined by the Commission;
- (c) in case of repeated violation of the instructions given by the Commission;
- (d) in case not found that the criteria prescribed under this Act have been fulfilled.

(2) Before revoking the affiliation of any educational institution pursuant to sub-Section (1), the concerned University



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shall give such institution a reasonable opportunity to present its defense.

(3) If any educational institution fails to submit the explanation within the period given pursuant to sub-Section (2) or the explanation submitted is not satisfactory, the concerned University shall revoke the affiliation of such educational institution or any one or more educational programs of such institution.

(4) If the affiliation of any educational institution or educational program of such institution is revoked pursuant to sub-Section (3), the concerned University shall inform the Commission as soon as possible.

(5) In case the affiliation of any educational institution or the educational program of such institution is revoked pursuant to sub-Section (3), the concerned University shall make arrangements for continuation of the study of the student studying in such educational institution.

(6) If a student enrolled in an educational institution whose affiliation has been revoked pursuant to sub-Section (3) cannot continue to study in another educational institution pursuant to sub-Section (5), arrangements shall be required for continuous study of such student in the same educational institution.

(7) The provisions regarding to the revocation of the affiliation of the educational institution and the liability after the revocation of such institution shall be as prescribed.

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15. **Accreditation:** (1) Notwithstanding anything contained elsewhere in this Act, a separate body shall be constituted in accordance with the law to carry out the work of accreditation of all programs related to medical education.

(2) Until the body pursuant to sub-Section (1) is constituted, the work related to accreditation shall be carried out by the Directorate of Criteria and Accreditation.

(3) Certificate level programs under the Council shall be accredited by the Directorate or the body designated by the Commission.

(4) Notwithstanding anything contained in the prevailing law, after the commencement of this Act, the Council shall not conduct any technical programs related to health education below the certificate level.

(5) Any technical programs related to health education below the certificate level operated by the council shall be phased out as prescribed and upgraded as per the prescribed criteria.

(6) The procedure related to accreditation shall be as prescribed.

## Chapter-6

### Enrollment of Students

16. **Provisions related to Entrance Examination:** (1) Any person wishing to be enrolled for study in higher education shall have to pass the entrance examination conducted by the Commission or the

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institution or body specified by the Commission with the minimum marks prescribed by the Commission.

(2) Any person going from Nepal to study higher education in another country shall have passed the entrance examination pursuant to sub-Section (1) and a foreigner wishing to study higher education in an educational institution of Nepal shall have obtained the minimum percentage specified by the Commission.

(3) The Commission shall prepare and publish an integrated list on the basis of the merit order of the entrance examination conducted pursuant to sub-Section (1). While publishing the list as such, the scholarships provided to the Government of Nepal, the number of seats reserved in accordance with this Act and the prevailing law, the number of seats reserved for foreign students and the number of open seats shall also be mentioned in the list.

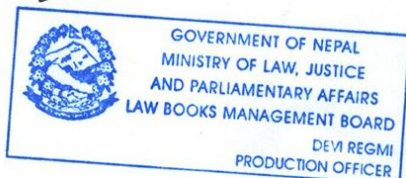
(4) While preparing the merit list pursuant to sub-Section (3), for the level above graduation the list of qualifications shall be prepared by assigning special marks in the prescribed percentage to the medical doctors who have served in the remote areas specified.

(5) Notwithstanding anything contained elsewhere in this Section, it shall be as follows in the following circumstances: -

- (a) the Commission or a body designated by the Commission may issue a permit for the purpose of going abroad to study subjects for which the entrance examination has not been conducted;



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- (b) the merit list shall be maintained from the entrance examination taken from the universities and institutes until the Commission conducts the entrance examination;
- (c) the Council shall make arrangements for the entrance examination of certificate level health education programs under the Council in coordination with the Commission.

(6) Medical doctors who have completed MBBS or BDS only after gaining one year of work experience shall be allowed to participate in the entrance examination of the postgraduate program.

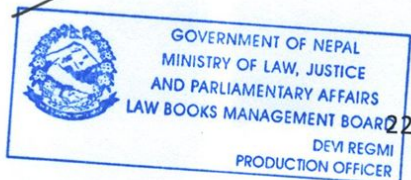
Provided that, this provision shall not apply to foreign students, basic medical sciences, MDGP programs and public health; and the work experience required for postgraduate programs in other disciplines shall be as prescribed by the Commission.

(7) The syllabus, curriculum and other provisions related to the examination of the entrance examination shall be as prescribed.

17. **Student Enrollment and Academic Calendar:** (1) The Commission shall each year determine the fixed number of seats for universities, institutes and other educational institutions on the basis of the criteria prescribed.

(2) When enrolling a student in a University, academy or other educational institution, the student shall be admitted on the basis of the merit order of the entrance examination pursuant to Section 16.

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Provided that, when enrolling in a seat for scholarship and reservation provided to the Government of Nepal, the person recommended for such seat shall have to be enrolled on the basis of merit order.

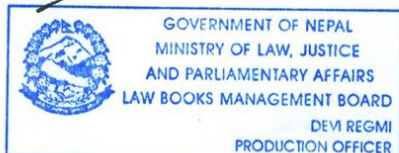
(3) Students selected from the entrance examination by the University, academy or other educational institution shall be enrolled according to the matching system.

(4) Colleges operated in domestic investment shall provide at least ten percent of the total number of seats and the educational institutions operating in joint venture of Nepali and foreign or foreign investment shall provide at least twenty percent of the total number of seats to the Government of Nepal as free scholarship.

(5) Out of the total number of seats allotted for undergraduate and postgraduate level, the number of foreign students shall not be more than one third.

(6) Notwithstanding anything contained in sub-Section (5), in case of an educational institution providing twenty percent seats to the Government of Nepal as a free scholarship, the maximum number of seats for foreign students shall be fifty percent.

(7) The public educational institution shall arrange for at least seventy five percent of the number of seats available in the graduate level program for free scholarship and such seats may be gradually increased in consultation with the Commission.



(8) The Government of Nepal shall provide a lump sum grant to public educational institution for providing free scholarship pursuant to sub-Section (7).

(9) An integrated annual educational calendar shall be implemented for MBBS, dental and other programs in educational institutions.

(10) Other provisions related to the provide scholarship shall be as prescribed.

## Chapter-7

### Tuition Fees

18. **Provisions relating to tuition fees:** (1) Notwithstanding anything contained in the prevailing law, the fees to be charged for the graduate program of medical education shall be as follows: -

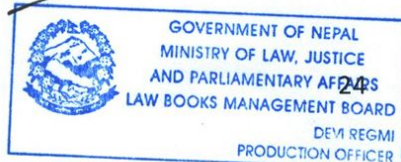
(a) The Commission shall determine the fee in consultation with the University, academy and educational institution and having regard to the cost and operating expenses of the University, academy or educational institution, inflation, geographical location, scholarship and providing of free service.

(b) One third of the amount to be taken from the student shall be taken in the first year and the remaining amount shall be taken in annual installments.

(c) The student shall have to pay the first year fee through the concerned University.



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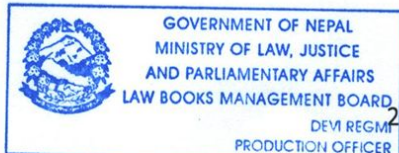
(2) The provisions relating to the fees charged for the postgraduate program in medical education shall be as follows: -

- (a) In the case of educational institutions other than public educational institutions, the Commission shall determine the fees in consultation with the concerned universities, institutes and educational institutions.
- (b) While studying basic medical sciences or clinical disciplines (medical and dental) in public educational institutions, tuition fee shall not be charged to Nepali students and appropriate subsistence allowance shall be provided to such students by the concerned educational institution.
- (c) The provisions regarding the fees to be charged in the subjects of Nursing, Ayurveda and other medical education for the study under the concerned educational institution shall be as prescribed.

(3) Notwithstanding anything contained elsewhere in this Act, after the commencement of this Act, the postgraduate level of medical field conducted in a government educational institution shall be free for Nepali students.

(4) Notwithstanding anything contained in sub-Sections (1) and (2), in the case of foreign students, the fee shall be determined by the concerned University or institution itself on the basis of the criteria determined by the Commission.

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(5) When enrolling Nepali students in the seats reserved for foreign students due to non-enrollment of foreign students, the tuition fee fixed for Nepali students shall be charged.

(6) If Nepali student are not enrolled, foreign student may be admitted in such seat with the permission of the Commission.

## Chapter-8

### Curriculum, Teaching Method, Degree and Institutional

#### Accountability

19. **Standards of Curriculum, Teaching Method and Degree:** (1) The curriculum, teaching method and standards of degree of the University, institute or other educational institution shall be as determined by the Commission.

(2) In addition to theoretical knowledge related to medical education, the curriculum pursuant to sub-Section (1) shall include subject-matters related to development of practical skills, human sensitivity, communication skills, professionalism, social accountability, cooperation, integrity and leadership ability development.

(3) The Commission shall maintain uniformity in the degree conferred by the University, academy or other educational institution.

20. **Institutional Accountability:** (1) Every University, academy or other educational institution shall, on the recommendation of the Commission, act as a service sector in at least one district designated



by the Ministry of the Government of Nepal responsible for issues related to Health.

(2) Institutions pursuant to sub-Section (1) shall provide community oriented education and medical services including specialist services within their service sector.

(3) The institution pursuant to sub-Section (1) shall conduct audit and social audit of the accounts of income and expenditure in a transparent manner, submit its report to the Commission and publish it regularly updated on its website.

## Chapter-9

### Teachers, Vice Chairperson, Directorate, Board, Directors and Staffs

21. **Provisions relating to Teachers:** (1) Notwithstanding anything contained in the prevailing law, universities, institutes and other educational institutions shall provide professors, associate professors and associate professors with minimum qualifications and experience as prescribed by the Commission.

Provided that, for teaching higher education, one shall have to pass at least post graduate level in the related subject.

(2) The educational institution under the Council shall provide for the trainers with minimum qualifications and experience as prescribed by the Commission.

22. **Vice-Chairperson:** (1) The Government of Nepal shall appoint the Vice-Chairperson of the Commission from amongst the persons recommended by the Committee pursuant to Section 23.



(2) The Vice-Chairperson shall be the full time working Chief Executive of the Commission.

(3) The term of office of the Vice-Chairperson shall be a maximum of four years.

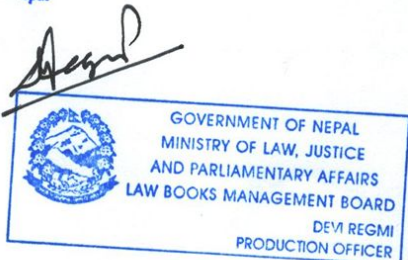
(7) Notwithstanding anything contained in sub-Section (3), the Vice-Chairperson shall *ipso facto* be relieved from the office in case majority of the existing members of the Commission decide to relieve him/her from the office on the grounds that the he/she fails to accomplish his/her responsibility trusted to the office, fails to fulfill the duties of his/her office or he/she is incompetent to perform his/her responsibilities due to physical or mental illness.

Provided, that he/she shall not be deprived of an opportunity to submit explanation before relieving.

(5) The Vice-Chairperson shall receive the monthly remuneration and other benefits as prescribed by the Government of Nepal.

23. **Recommendation Committee:** (1) The Government of Nepal shall form the following Recommendation Committee to recommend the name for the appointment of the Vice-Chairman: -

- (a) Chairperson of Public Service Commission -  
Convener;
- (b) Chief Secretary to the Government of Nepal  
Or the Secretary of the Office of the Prime  
Minister and Council of Ministers specified



by him/her - Member;

- (c) One woman nominated by the Government of Nepal amongst the professors in the field of Medical Science - Member.

(2) The recommendation committee referred to in sub-Section (1) shall recommend the names of three persons to the Government of Nepal for appointment to the office of Vice-Chairperson within thirty days from the date of commencement of its work.

(3) The procedure to be followed while recommending the name for appointment to the office of Vice-Chairperson shall be as determined by the Committee itself.

**24. Bases of Recommendation:** (1) The Recommendation Committee referred to in Section 23 shall make recommendation to the Government of Nepal for appointment to the office of Vice-Chairperson from among the following persons: -

- (a) Having at least twenty years of experience in any field of medical science with at least a Master's degree in any field of medical science from a recognized University or at least twenty years of experience in the field of health service including at least ten years of experience in medical education;
- (b) Being an incumbent or a retired Vice-Chancellor, professor or a Medical Doctor of Special Class of the



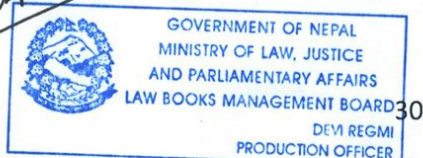
educational institution, or holding a reputation as a medical education expert;

- (c) Having demonstrated excellent managerial skills and abilities in the related field;
- (d) Not being a member of any political party at the time of appointment;
- (e) Having no private interest in the field of medical education;
- (f) Having maintained a high moral character, and
- (g) Having no ineligibility pursuant to Section 25.

(2) Notwithstanding anything contained in the prevailing law, if a person or official holding the office of vice-chairperson of an educational institution or any other service is appointed to the office of vice-chairperson, he/she shall be deemed to be automatically relieved of his/her office from the office held before the date of such appointment.

25. **Ineligibility to become Vice President:** None of the following persons shall be eligible to be appointed to the office of the Vice President: -

- (a) Non-Nepali citizen;
- (b) Having been declared bankrupt;
- (c) Having unsoundness of mind;
- (d) Having been convicted from a court in corruption, money laundering, human trafficking, narcotic drug



sales and distribution or smuggling, passport misuse, rape or any other criminal offense of moral turpitude;

- (e) Not having completed three-year period after being removed from the black list in accordance with the prevailing law;
- (f) Not having completed forty five years of age;
- (g) Having been ineligible from appointment pursuant to Article 291 of the Constitution of Nepal.

26. **Circumstances for Vacancy of Office:** The office of Vice Chairperson shall be deemed vacant in the following circumstances:-

- (a) If he/she tenders resignation;
- (b) If he/she is relieved from the office pursuant to sub-Section (4) of section 22;
- (c) In case of ineligibility to remain in the office of Vice-Chairperson pursuant to Section 25;
- (d) On the completion of sixty five years of age;
- (e) In case of death.

27. **Functions, Duties and Powers of Vice-Chairperson:** In addition to the functions, duties and powers mentioned elsewhere in this Act, the functions, duties and powers of the Vice-Chairperson shall be as follows: -

- (a) to implement the policies, plans and programs approved by the Commission;

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- (b) to prepare the annual program, plan and budget of the Commission and submit it to the Commission;
- (c) to implement the decisions of the Commission and the Committee;
- (d) to carry out the staff and other managerial functions of the Commission;
- (e) to carry out other work as prescribed.

28. **Directorate and Board:** (1) The Commission shall have the following directives and boards for the performance of its functions:

- (a) Directorate of Standards and Accreditation;
- (b) Directorate of Planning, Coordination and Academic Upgradation;
- (c) Directorate of Examinations;
- (d) National Board of Medical Specialties.

(2) The constitution, functions, duties and powers of the Directorate and the Board shall be as prescribed.

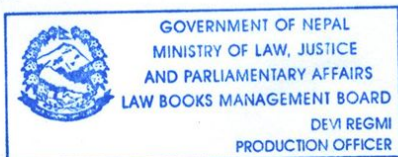
29. **Director:** (1) In order to act as the head of the directorate or board, there shall be one full time Director in each directorate or board.

(2) The Vice Chairperson shall appoint the Director on the recommendation of the Committee pursuant to sub-Section (6).

(3) The term of office of the Director shall be four years and he/she may be re-appointed for another term.



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(4) Notwithstanding anything contained in sub-Section (3), in case the Director fails to accomplish his/her responsibility trusted to the office, fails to fulfill the duties of his/her office or performed any work contrary to the interest of the Commission, the Vice-Chairperson may at any time remove him/her from the office of member.

Provided, that he/she shall not be deprived of an opportunity to submit explanation before such removal.

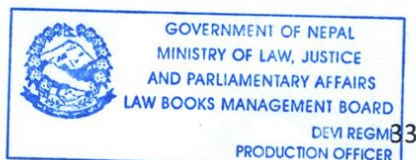
(5) The remuneration, facilities and other conditions of service of the Director shall be as prescribed.

(6) A three-member recommendation committee shall be formed under the coordination of the member of the National Planning Commission appointed by the Chairperson to recommend the name to the Vice-Chairperson for the appointment of the Director.

(7) The Committee referred to in sub-Section (6) shall recommend to the Vice-Chairperson for appointment to the office of Director within fifteen days from the date of commencement of its work.

(8) The Committee referred to in sub-Section (6) recommends for appointment to the office of Director a suitable person from among the persons having competency related to the work of the Directorate or Board and at least fifteen years of experience or experience in a special class of Government of Nepal.

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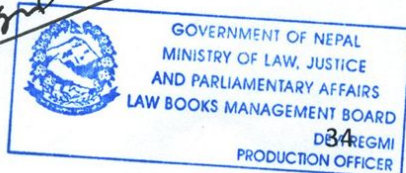
(9) The procedure to be followed when the recommendation committee referred to in sub-Section (6) recommends the name for appointment to the office of director shall be as determined by the committee itself.

**30. Member-Secretary of Commission:** (1) The senior staff of the Commission shall act as the Member-Secretary of the Commission.

(2) Unless there is a staff arrangement in the Commission pursuant to sub-Section (1), the gazetted First Class staff of the Government of Nepal shall act as the Member-Secretary of the Commission.

(3) Other functions, duties and powers of the Member-Secretary shall be as follows: -

- (a) to prepare the annual program and plan of the Commission and submit it to the Vice-Chairperson;
- (b) to prepare the annual budget of the Commission;
- (c) to take care of, maintain or cause to be maintained the movable and immovable property of the Commission;
- (d) to implement or enforce decisions of the Commission;
- (e) to keep the records of the Commission up-to-date, systematic and secure;
- (f) to employ the staff of the Commission by allocation of business;



- (g) to monitor, control and supervise the work of the office of the Commission;
- (h) to liaise and coordinate with the Government of Nepal and other concerned bodies as required;
- (i) to carry out other work specified by the commission or committee.

31. **Organizational Structure and Staff of Commission:** (1) The organizational structure of the Commission shall be as approved by the Government of Nepal with the consent of the Ministry of Finance.

(2) Until the staff is appointed in the Commission, the Government of Nepal shall provide the necessary staff for the operation of the Commission.

## Chapter-10

### **Fund, Account and Audit**

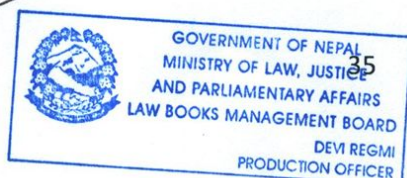
32. **Funds of Commission:** (1) The Commission shall have its own separate fund.

(2) There shall be the following amounts in the fund pursuant to sub-Section (1): -

- (a) the amount received from the Government of Nepal;
- (b) the amount received as assistance from any person or institution, organization;
- (c) the amount received from foreign governments, international organizations, institutions or individuals;



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(d) amount received from any other source.

(3) Before receiving the amount pursuant to clause (c) of sub-Section (2), the Commission shall obtain the approval of the Government of Nepal, Ministry of Finance.

(4) All expenses incurred in the name of the Commission shall be borne from the fund referred to in sub-Section (1).

(5) All the amount remaining in the fund referred to in sub-Section (1) shall be deposited in by opening an account in any commercial bank specified by the Commission.

33. **Accounts and Audit:** (1) The Commission shall keep account of its income and expenditure in accordance with the accounting system adopted by the Government of Nepal.

(2) The internal audit of the Commission shall be carried out by the auditor appointed by the Commission and the final audit shall be carried out by the Auditor General.

(3) The Ministry of the Government of Nepal responsible for the matters relating to education may at any time inspect the accounts of income and expenditure of the Commission, related documents and other cash and commodities.

## Chapter-11

### Miscellaneous

34. **Inspection may be conducted:** (1) The Commission may, as required, inspect the medical University, institute and council or educational institution.

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(2) It shall be the duty of the concerned body to assist the person coming for inspection by the Commission pursuant to sub-Section (1).

35. **Bases for selection of office bearers:** While selecting office bearers for universities, institutes and educational institutions, the following issues shall be taken as the bases: -

- (a) professional competence;
- (b) managerial efficiency;
- (c) institutional commitment;
- (d) publicly clean image;
- (e) Seniority.

36. **Encouragement to run new educational programs:** The Commission shall make a list of new educational programs required for specialized services in nursing and other areas of medical education and encourage such programs.

37. **Constituent and obtaining Affiliation:** Educational institutions conducting medical education shall be constituent or affiliated.

38. **Bond to be made:** (1) Students studying for free or on scholarship shall be required to make bond to work for one year in remote areas and one year in accessible places assigned by the Government of Nepal.

(2) In case any student does not work as per the bond, he/she shall be fined double of the amount paid by the student paying full



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tuition fee in the concerned education institution and the same shall be recovered from him/her like government due.

(3) For the purpose of sub-Section (1), a student who has studied for free or on a scholarship shall contact the Ministry of the Government of Nepal responsible for the matters related to education within one month of the completion of the study and such Ministry may write to the Ministry of the Government of Nepal responsible for the matters of health to appoint such student to work in any place within three months.

39. **Educational Loans**: Concessional loans as determined by the Government of Nepal shall be provided to the financially deprived hardworking students listed in the merit order in accordance with this Act.
40. **Seat Reservation**: The Commission shall reserve seats as prescribed by the Commission for medical education study for the families of martyrs, families of enforced disappeared persons, families of wounded warriors, conflict victims, women, Dalits, Indigenous nationality, Khas Arya, Madhesi, Tharu, Muslim and backward areas.
41. **Conduct of students and teachers**: Provisions regarding the conduct of students and teachers studying and teaching medical education shall be as prescribed.
42. **Certificate level programs not to be conducted**: (1) After the commencement of this Act, the University shall not allow any educational institution to conduct certificate level or lower level programs towards medical education.

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(2) At the time of commencement of this Act, the University or institution conducting programs pursuant to sub-Section (1) shall have to phase out such program within five years from the commencement of this Act.

43. **Concessions may be provided:** The Government of Nepal may provide necessary concessions or facilities to encourage the educational institutions established in the priority areas and places.

44. **Standards to be maintained in accordance with this Act:** (1) Educational institutions conducting educational programs, even if they have not operated their own hospital before the commencement of this Act, shall bring the hospital into operation as per the criteria prescribed by the Ministry of Health and Population within two years from the commencement of this Act.

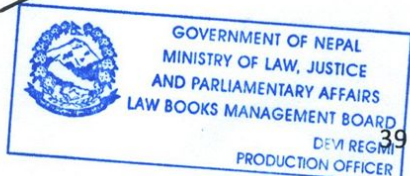
(2) In case an educational institution in operation at the time of commencement of this Act or in the process of establishment and operation has not fulfilled the infrastructure and standards required to be maintained in accordance with this Act, such infrastructure and standards shall be maintained within two years from the date of commencement of this Act.

45. **Educational Institutions may be merge:** Educational Institutions may be merged to each other as prescribed.

46. **The Government of Nepal may operate:** (1) The Government of Nepal shall establish and operate a Medical Education University for the purpose of teaching medical education.



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(2) Notwithstanding anything contained elsewhere in this Act, the Government of Nepal shall, within five years of the commencement of this Act, have to operate at least one public medical college in the provinces where there is no public medical college or institution.

47. **To be non-Profit-Making:** (1) After ten years from the date of commencement of this Act, the Medical Educational Institutions operating within Nepal shall be non-profit-making and become service oriented institutions gradually.

(2) In relation to the non-profit making educational institution pursuant to sub-Section (1), in case the concerned educational institution wishes to transfer the property to the Government, the Government may take ownership by giving appropriate compensation.

(3) The necessary procedure and format pursuant to sub-Sections (1) and (2) shall be as prescribed.

48. **To be informed:** (1) In case any official of an educational institution or public educational institution has invested in any other educational institution, such shall be informed to the regulatory body.

(2) The educational institution or regulatory body shall have to provide the information to the Commission in the prescribed format pursuant to sub-Section (1).

(3) The regulatory body of the educational institution or the official of the public educational institution shall not be allowed to



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work in the private sector educational institution and participate in the policy decision making process of the related matters.

49. **Not to work elsewhere during office hours:** (1) No Medical Doctor working in a government or public hospital or body shall engage in any kind of medical profession, occupation or employment outside the hospital or body where he/she is employed during office hours.

(2) The Medical Doctor working contrary to sub-Section (1) shall be taken legal action in accordance with the law relating to their terms of service.

50. **Submission of Property Details:** (1) The Vice-Chairperson and the members of the Commission shall submit the property details to the Ministry of the Government of Nepal responsible for the matters related to Education in the format prescribed by the prevailing law within sixty days from the date of appointment or nomination and thereafter within sixty days from the end of each fiscal year.

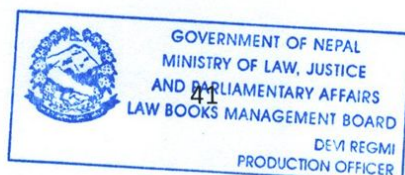
Provided that, as per the prevailing law, the members of the Commission who are obliged to submit property details to any other body shall not be required to submit separate property details pursuant to this section.

(2) The property details of the Vice-Chairperson and members shall be made public by the Ministry of the Government of Nepal responsible for the matters related to Education through appropriate means.

51. **Submission of Annual Report:** (1) The Commission shall prepare and submit an annual report with details of the work done during that



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year to the Government of Nepal within sixty days after the end of each financial year.

(2) The Government of Nepal shall submit the annual report submitted pursuant to sub-Section (1) to the relevant subject wise committee of the House of Representatives.

(3) The Committee referred to in sub-Section (2) may at any time, as per the need, monitor the work and proceedings of the Commission and give directions to the Commission, concerned body or official.

52. **Liaison with the Government of Nepal:** The Commission shall, while contacting with the Government of Nepal, contact through the Ministry of the Government of Nepal responsible for the matters related to Education.
53. **To be in accordance with this Act:** Notwithstanding anything contained in the prevailing law relating to universities, institutes and related thematic councils, the matters written in this Act shall be in accordance with this Act.
54. **Power to frame Rules:** The Government of Nepal may make necessary Rules for the implementation of this Act in consultation with the Commission.
55. **No hindrance:** The educational institution established in accordance with the prevailing law at the time of commencement of this Act shall not be hindered from conducting its educational program under

this Act.



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July 08, 2022

