

COUNCIL FOR TECHNICAL EDUCATION AND VOCATIONAL TRAINING ACT, 2045 (1988)

Date of the Royal Seal and the Publication

2045/7/28 B.S. (November 13, 1988 A.D.)

Amending Act

1. Council for Technical Education and Vocational Training (First Amendment) Act, 2049 (1993) 2050/2/27 B.S. (June 9, 1993 A.D.)

Date of Certification and Publication

2. Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006) 2063//9/14 B.S. (December 29, 2006 A.D.)
3. Republic Strengthening and Some Nepal Acts Amending Act, 2066 (2010) 2066/10/7 B.S. (January 21, 2010 A.D.)

Act No. 20 of 2045 (1988)

An Act made to establish and manage the Council for Technical Education and Vocational Training

Preamble: Whereas it is expedient to establish and manage the Council for Technical Education and Vocational Training for arrangement of technical education and vocational training in the planned way and setting standard of skill and certifying the same in order to produce basic, middle level and higher level technical human resource,

Now, therefore, His Majesty King Birendra Bir Bikram Shah Deva has made this Act on the advice and with the consent of the National Panchayat.

1. Short Title and Commencement:

- 1.1 This Act may be cited as "Council for Technical Education and Vocational Training Act, 2045 (1988)."

1.2 This Act shall come into force on such date as the Government of Nepal may, by a notification published in the Nepal Gazette, prescribe.¹

2. Definition:

2.1 In this Act, unless the subject or context, otherwise requires:-

2.1.1 "Senate" means the Technical Education and Vocational Training Senate formed pursuant to Section 2A.²

2.1.2 "Council" means the Council for Technical Education and Vocational Training Council established pursuant to Section 3.³

2.1.3 "Prescribed" and "as prescribed" means prescribed and as prescribed in the Rules or Bylaw made under this Act.

2A. Formation of the Technical Education and Vocational Training Senate:

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

2A.1.1 Minister or Minister of State for Education and Sports⁴ -Chairperson

2A.1.2⁵

2A.1.3 Member, National Planning Commission (Human Resource) - Member

2A.1.4 Member, Public Service Commission - Member

2A.1.5 Secretary, Ministry of Education and Sports - Member

2A.1.6 Secretary, Ministry of Industry - Member

2A.1.7 Secretary, Ministry of Labour - Member

2A.1.8 Secretary, Ministry of Tourism and Civil Aviation - Member

2A.1.8A Vice-Chairperson, Council for Technical Education

¹ Prescribe as to be come into force from 12th day of Fagun 2045 B.S. (February 23, 1989 A.D.). (Nepal Gazette 2045/11/9 B.S. (February 20, 1989 A.D.)

² Amended by the First Amendment

³ Inserted by the First Amendment

⁴ Amended by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

⁵ Repealed by Republic Strengthening and Some Nepal Acts Amending Act, 2066 (2010)

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| and Vocational Training Council ⁶ | - Member |
| 2A.1.9..... ⁷ | |
| 2A.1.10 Rector, Tribhuvan University | - Member |
| 2A.1.11 President, Federation of Nepalese Chamber of Commerce and Industries | - Member |
| 2A.1.12 Five persons nominated by the Chairperson from amongst the Dean, Technical of universities | - Member |
| 2A.1.13 Three persons nominated by the Chairperson from amongst persons having special contribution in the technical education and vocational Training | - Member |
| 2A.1.14 Three persons nominated by the Chairperson from amongst persons of industrial enterprises | - Member |
| 2A.1.15 Representative, Nepal.. ⁸ Science and Technology Academy- | Member |
| 2A.1.15A..... ⁹ | |
| 2A.1.15B..... ¹⁰ | |
| 2A.1.15C..... ¹¹ | |
| 2A.1.15D..... ¹² | |
| 2A.1.15E..... ¹³ | |

⁶ Inserted by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

⁷ Repealed by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

⁸ Repealed by Republic Strengthening and Some Nepal Acts Amending Act, 2066 (2010)

⁹ Inserted by Education and Sports Related Some Nepal Acts Amending Ordinance, 2062 (2005) and Repealed by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

¹⁰ Inserted by Education and Sports Related Some Nepal Acts Amending Ordinance, 2062 (2005) and Repealed by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

¹¹ Inserted by Education and Sports Related Some Nepal Acts Amending Ordinance, 2062 (2005) and Repealed by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

¹² Inserted by Education and Sports Related Some Nepal Acts Amending Ordinance, 2062 (2005) and Repealed by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

2A.1.16 Person designated by the Government of Nepal from amongst
employees of the council - Member-Secretary

2A.2 The tenure of members nominated in the senate shall be four year, they may
be reappointed after completion of tenure.

2A.3 The procedure of the senate meeting shall be as determined by itself.

3. Establishment of the Council:

3.1 A Council for Technical Education and Vocational Training has been
established in order to systemize and maintain quality of technical
education and vocational training and to maintain co-ordination among
various agencies providing such trainings and to determine standard of
skills and to certify the same.

3.2 Council for Technical Education and Vocational Training shall be formed
as follows:

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

3.2.2 Person nominated by the Government of Nepal -Vice- Chairperson

3.2.3 Member, National Planning Commission (Human Resource) -Member

3.2.4 Secretary, Ministry of Education and Sports - Member

3.2.5 Two persons nominated by the Chairperson from amongst
persons having special contribution in the technical education
and vocational training - Member

3.2.6 Two persons nominated by the Chairperson from amongst
various institution relating to the technical education and
vocational training - Member

3.2.7 Person designated by the Government of Nepal from amongst
employees of the council - Member-Secretary

¹³ Inserted by Education and Sports Related Some Nepal Acts Amending Ordinance, 2062 (2005) and Repealed by
Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

- 3.3 The Government of Nepal may revise or alter members of the council as per necessity by publishing notice in the Nepal Gazette, if it deems required.
- 3.4 The council may invite any domestic or foreign expert or advisor as an observer at the meeting of the council, if it deems required.
- 3.5 The functions, duties and powers of the chairperson and members of the council shall be as prescribed.
- 3.6 The tenure of members nominated in the council shall be four year, they may be reappointed after completion of tenure.
- 3.6A¹⁴ The functions, duties, powers and service terms of the vice-chairperson of the council shall be as prescribed.
- 3.7¹⁵

4. Council to be Body Corporate:

- 4.1 The council established pursuant to Section 3 shall be an autonomous and corporate body with perpetual succession.
- 4.2 The council shall have a seal of its own.
- 4.3 The council may, like an individual, acquire, use, sell or otherwise deal with any movable or immovable property.
- 4.4 The council may, like an individual, sue and be also sued by its own name.

5. Meetings and Decision of the Council:

- 5.1 The meetings of the council shall be held in the date, time and place as specified by the chairperson.
- 5.2 The attendance of fifty percent members among total number of members of the council shall be deemed to have constituted a quorum for meetings.
- 5.3 The chairperson shall preside over the meetings of the council and, in his/her absence; the vice-chairperson shall preside over the meetings. In

¹⁴ Inserted by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

¹⁵ Repealed by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

absence of both chairperson and vice-chairperson,¹⁶ the member chosen by the members present at the meeting from amongst themselves shall preside over the meetings.

5.4 The majority opinion shall be valid in the meetings of the council and in case to tie, the chairperson may exercise casting vote.

5.5 The decision of the council shall be authenticated by the member-secretary.

5.6 Other procedures relating to the meetings of the council shall be as determined by the council itself.

5A. Functions, Duties and Powers of the Senate¹⁷:

5A.1 To give direction to Council for Technical Education and Vocational Training.

5A.2 To determine policy of the council and to make or cause to be made arrangements for effective implementation thereof.

5A.3 To evaluate or cause to be evaluated whether development and expansion of technical education and vocation training is timely or not.

5A.4 To approve annual budget and program of the council.

5A.5 To make order to prepare long term plan and to make order to arrange required arrangements for implementation thereof.

5A.6 To form or cause to be formed committee, sub-committee or study/research team as per necessity.

5A.7 To give required direction to any organ or officer subordinated to the council.

5A.8 To perform or cause to be performed other functions prescribed by this Act or Rules made under this Act.

¹⁶ Amended by the First Amendment

¹⁷ Inserted by the First Amendment

6. Functions, Duties and Powers of the Council shall be as follows:

- 6.1 To arrange various teaching, training and research as prescribed for development of technical education and vocation training and to make arrangement for operation thereof.
- 6.2 To confer permission of teaching or operation of technical education and vocation training established or to be operated in the private and non-governmental sectors and to manage facility and supports receivable to them.
- 6.3 To establish relationship with domestic university or educational institution in regards to technical education and vocation training and to make focus on standard education or training.
- 6.4 To determine the technical education and vocation training policy and to submit the same in the senate for approval.
- 6.5 To determine scope and standard of the programs related to technical education and vocation training.
- 6.6 To operate basis level skill and training program and to produce medium level human resource.
- 6.7 To establish and operate or cause to be established and operated poly-technical schools.
- 6.8 To enforce or cause to be enforced curriculum and course book of vocational training provided for skill development by the body corporate undertaking of the Government of Nepal and non- governmental body corporate as determined by the Curriculum and Course Book Determination Committee.
- 6.9 To maintain or cause to be maintained co-operation among various training programs.
- 6.10 To operate or cause to be operated technical trainer trainings.
- 6.11 To arrange necessary arrangement of apprentice training.

- 6.12 To arrange necessary arrangement of training centers, training package and trainer in order to operate short term or mobile training programs in various places within territory of the technical schools.
- 6.13 To make arrangement of classification, examination and certification of skills.
- 6.14 To prepare skill certification guidelines and to determine skill levels.
- 6.15 To synchronize in the in-service or pre-in-service, technical and vocational training curriculum being operated by governmental or non-governmental agencies and to evaluate those trainings in the national level and to determine level thereof and to confer recognition thereto.
- 6.16 To perform or cause to be performed functions required to produce basic, medium level and higher level technical human resources.
- 6.17 To implement or cause to be implemented programs passed by the senate.
- 6.18 To obtain support from national and international sector and to systematically mobilize or cause to be mobilized the received support.
- 6.19 To provide required advice for technical education and vocation training to the Government of Nepal.
- 6.20 To make agreement or contract with domestic, foreign and international institution by obtaining prior approval of the Government of Nepal.
- 6.21 To submit annual budget, progress report, audit report and other reports of the council to the senate for approval, endorsement and information.
- 6.22 To perform or cause to be performed other functions for implementation of objectives of this Act.

6A. Validity of Certificate:¹⁸

The certificate- conferred by the council to the student having studied at the educational institution affiliated to the council for at least two years after being

¹⁸ Inserted by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

passed the School Leaving Certificate Examination- shall be valid as equivalent to the proficiency certificate level of university and other educational institution.

7. Committee, Sub-Committee or Task Force to be Formed:

7.1 The council may, for smooth operation of its acts and activities, form various committee, sub-committee or task force as per necessity.

7.2 The functions, duties, powers and meeting procedures of the committee, sub-committee or task force shall be as prescribed.

8. Power to Collect Financial Source:

The council may, for amount required to smoothly operate its functions, acquire loan, receive grant or collect financial source by any mean by obtaining prior approval of the Government of Nepal.

8A.¹⁹

9. Provision Related to Employees:

9.1 The council may appoint employees as per necessity.

9.2 The provision of remuneration, service terms and facilities of the employees of the council shall be as prescribed.

10. Fund of the Council:

10.1 The council shall have a separate fund; the fund shall contain following amounts:-

10.1.1 Grant received from the Government of Nepal,

10.1.2 Amount received from any international or foreign institution through the Government of Nepal,

10.1.3 Amount gained from movable and immovable property of the council,

10.1.4 Any other amount received by the council.

¹⁹ Inserted by Education and Sports Related Some Nepal Acts Amending Ordinance, 2062 (2005) and Repealed by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)

10.2 All amounts of the council shall be deposited at the Nepal Rastra Bank or any commercial bank in the name of the council.

10.3 All expenditures that to be made from the council shall be borne from the fund as referred in the sub-section 10.1.

10.4 The account of the council shall be operated as prescribed.

11. Account and Audit of the Council:

11.1 The account of the council shall be maintained pursuant to the existing format and mode of the Government of Nepal.

11.2 The auditing of the council shall be conducted by the Department of Auditor General.

11.3 The Government of Nepal may inspect or cause to be inspected documents related to the accounting of the council and other cash and goods at any time, if it desires to do so.

12. Delegation of Power:

The council may delegate all or some powers vested to it pursuant to this Act to the committee, sub-committee, task force,,²⁰ or any officer employee of the council.

13. The Government of Nepal may issue Direction:

The Government of Nepal may issue direction relating to determination of standard and certification of technical education and vocational training and skills to the council.

14. Contact with the Government of Nepal:

While making contact with the Government of Nepal, the council shall have to make contact through the Ministry of Education and Culture.

15. Power to make Rules:

The Government of Nepal may make Rules required to fulfill objectives of this Act.

²⁰ Repealed by the First Amendment

16. Power to make Bylaws:

The council may, subject to this Act and Rules made under this Act, make bylaws for its operation of works.

Such bylaws shall be come into force only after getting approval from the Government of Nepal.²¹

17. Repeal and Saving:

17.1 The Technical and Vocational Education Committee (Formation) Order, 2039 (1982) is hereby repealed and all rights and obligation of the committee formed pursuant to that Order shall be transferred to the council.

17.2 The acts done and actions taken under the Technical and Vocational Education Committee (Formation) Order, 2039 (1982) shall be deemed to have been done and taken under this Act.

Notes:

1. Words converted by the Some Nepal Laws Amendment Act, 2063 (2006)
"Government of Nepal" instead of "His Majesty's Government".
2. Words converted by the Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)
 - (a) "Ministry of Education and Sports" instead of "Ministry of Education, Culture and Social Welfare".
 - (b) "Basic, Medium Level and Higher Level" instead of "Basic and Medium Level".

²¹ Inserted by Education and Sports Related Some Nepal Acts Amending Act, 2063 (2006)