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PART 3

His Majesty's Government

Notification of Ministry of Education, Culture and Social Welfare

COUNCIL FOR TECHNICAL EDUCATION AND VOCATIONAL TRAINING RULES, 2051 (1994)

In exercise of the power conferred by Section 15 of the Council for Technical Education and Vocational Training Act, 2045 (1988), His Majesty's Government has framed the following Rules.

Chapter-1

Preliminary

1. Short Title and Commencement: (1) These Rules may be cited as "Council for Technical Education and Vocational Training Rules, 2051 (1994)."
(2) These Rules shall come into force immediately.
2. Definition: In these Rules, unless the subject or context, otherwise requires:-
 - (a) "Act" means Council for Technical Education and Vocational Training Act, 2045 (1988).
 - (b) "Chairperson" means the Chairperson of the Senate or the Council.
 - (c) "Vice-Chairperson" means the Vice-Chairperson of the Council.
 - (d) "Member-Secretary" means the Member-Secretary of the Senate or the Council.

- (e) "Test Committee" means National Skill Test Committee formed pursuant to Rule 8.
- (f) "Training Committee" means Industrial Trainee Training Committee formed pursuant to Rule 13.
- (g) "Institution" means the institution having approval to operate technical and vocational training from the Council pursuant to Rule 18 or Rule 19.

Chapter-2

Functions, Duties, and Powers and Service Terms of Chairperson, Vice-Chairperson and Member-Secretary

- 3. Functions, Duties and Powers of the Chairperson: The Chairperson may inspect and observe any matter or function related to the Council and may give necessary direction in this regards to any office-bearer or employee of the Council.
- 4. Functions, Duties and Powers of the Vice- Chairperson: (1) Functions, duties and powers of the Vice-Chairperson shall be as follows;
 - (a) To support the senate and the council in determination of policy of the Council.
 - (b) To manage or cause to be managed teaching, training and research for operation and development of technical education and vocational training.
 - (c) To coordinate or cause to be coordinated short term and long term plan and program of the Council.
 - (d) To perform or cause to be performed other functions delegated by the Senate or the Council.(2) In absence of the Vice-Chairperson or vacant of post, the Member-Secretary shall use and comply functions, duties and powers assigned to him/her.
- 5. Service Terms and Facilities of the Vice-Chairperson: (1) The Vice-Chairperson may be stipendiary or non-stipendiary office-bearer of the Council.

- (2) The tenure of the Vice-Chairperson shall be four years.
- (3) The remuneration and other facilities of the Vice-Chairperson shall be as prescribed by His Majesty's Government.

6. Functions, Duties and Powers of the Member- Secretary: Functions, duties and powers of the Member-Secretary shall be as follows;

- (a) To support the senate and the council in determination of policy of the Council.
- (b) To prepare or cause to be prepared proposals to be submitted in the Senate and the Council.
- (c) To implement or cause to be implemented decision of the Senate and the Council.
- (d) To manage preparation of annual program and budget of the Council and to submit the same in the Senate for approval.
- (e) To manage properly keeping account of financial transaction of the Council.
- (f) To cause to be conducted internal evaluation of annual program of the Council and to submit progress thereof in the Senate.
- (g) To cause to be conducted internal auditing and external auditing of the Council and to perform in connection to settlement of arrears and irregularities and acknowledgement of expenditure as prescribed by the Council.
- (h) To perform or cause to be performed necessary functions for protection and operation of assets of the Council.
- (i) To sanction all types of leave of Council's employees.
- (j) To initiate departmental action against trainer and employee of the Council on breach of the code of conduct.
- (k) To perform or cause to be performed other functions delegated and directed by the Senate or the Council.

7. Service Terms and Facilities of the Member -Secretary: (1) The Member-Secretary shall be the full time working chief administrative office-bearer of the Council.
- (2) The tenure of the Member-Secretary shall be four years.
- (3) The Member-Secretary shall get other facilities as similar to the employee including leave. While taking leave, the Member-Secretary shall have to get permission thereof.
- (4) The remuneration and other facilities of the Member-Secretary shall be as prescribed by His Majesty's Government.

Chapter-3

Classification, Testing and Certification of Skills

8. Formation of National Skill Test Committee: The Council shall form a National Skill Test Committee comprising following chairperson and members in order to manage classification, testing and certification of skills:-
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|-----|--|--------------|
| (a) | The Vice-Chairperson | -Chairperson |
| (b) | The Member-Secretary | -Member |
| (c) | Dean, Institute of Engineering | -Member |
| (d) | Representative (Gazetted- 1 st Class) (Planning)
Ministry of Education, Culture and Social Welfare | -Member |
| (e) | Representative (Gazetted- 1 st Class)
Public Service Commission | -Member |
| (f) | Director General, Department of Labor | -Member |
| (g) | Director General, Department of Building | -Member |
| (h) | Director General, Department of Cottage and Small
Industries | -Member |
| (i) | Representative, Ministry of Local Development | -Member |
| (j) | A person nominated by the Chairperson from amongst
Industrialists | -Member |
| (k) | Three persons nominated by the Chairperson from amongst | |

- prominent personalities of non-government sector -Member
- (l) Representative, Federation of Chambers of Commerce and Industries of Nepal -Member
- (m) Chief, Skill Test Division of the Council -Member-Secretary
- (2) The tenure of members nominated pursuant to clause (j) and (k) of the Sub-Rule (1) shall be two years.
- (3) His Majesty's Government may, upon recommendation of the Council, revise or alter members of the Test Committee as per necessity by publishing notice in the Nepal Gazette.
- (4) The Test Committee may invite any domestic or foreign expert or advisor as an observer at the meeting of the Test Committee, if it deems required.

9. Procedure of Meeting of the Test Committee: (1) The meetings of the Test Committee shall be held as per necessity.

- (2) The attendance of fifty percent members among total number of members of the Test Committee shall be deemed to have constituted a quorum for meetings of the Test Committee.
- (3) The chairperson of the Test Committee shall preside over the meetings of the Test Committee and, in his/her absence; the member chosen by the members present at the meeting from amongst themselves shall preside over the meetings.
- (4) The majority opinion shall be valid in the meetings of the Test Committee and in case to tie, the chairing person may exercise casting vote.
- (5) The decision of the Test Committee shall be authenticated by the member-secretary of the Test Committee.
- (6) Other procedures relating to the meetings of the Test Committee shall be as determined by the Test Committee itself.

10. Functions, Duties and Powers of the Test Committee:
- (a) To prepare necessary plan and program in the national level in order to classify competency of skill, to make certification manual and to perform testing and certification works and to implement or cause to be implemented such plan and program.
 - (b) To conduct or cause to be conducted required research on demand and supply needed for various business, service, profession or service of domestic or industrial sector.
 - (c) To classify level of skill competency and to prepare draft of National Skill Testing Manual along with required job specification in line with classified skill level.
 - (d) To conduct examination for assessment to whether competency of skill is in accordance with the classified level or not and to confer certificate to successful examinees.
 - (f) To submit annual report to the Senate.
11. Provisions Relating to Determination of Skill Level: The examination conducted for determining level of skill competency and arrangements of other required acts and activities relating to such examination and the format of certificate as conferred to the successful examinees shall be as prescribed by the Council.
12. Technical or Expert Sub-Committee: The Council may form Technical or Expert Sub-Committee as per necessity in order to perform skill testing, certification and other related acts pursuant to National Skill Manual.
- (2) The formation, functions, duties and powers and other procedures of the Technical or Expert Sub-Committee as referred in Sub-Rule (1) shall be as prescribed by the Council.

Chapter-4

Industrial Trainee Training

13. Formation of the Industrial Trainee Training Committee: The Council shall form an Industrial Trainee Training Committee comprising following chairperson and members for preparation of required curriculum for basic and skill development training programs operated by the governmental and non-governmental industrial enterprises, for standardization of such training programs and for making coordination thereof.

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|-----|--|-------------------|
| (a) | The Vice-Chairperson | -Chairperson |
| (b) | The Member-Secretary | -Member |
| (c) | Representative, Ministry of Local Development | -Member |
| (d) | Representative, Department of Labor | -Member |
| (e) | Representative, Department of Industry | -Member |
| (f) | Representative, Institute of Engineering | -Member |
| (g) | A person nominated by the Chairperson from amongst
Workers | -Member |
| (h) | Two persons nominated by the Chairperson from amongst
representatives of factory and industrial enterprises | -Member |
| (i) | A person nominated by the Chairperson from amongst
experts of industry and labor | -Member |
| (j) | Director, Technical Division of the Council | -Member-Secretary |
- (2) His Majesty's Government may, upon recommendation of the Council, revise or alter members of the Training Committee as per necessity by publishing notice in the Nepal Gazette.
- (3) The tenure of members nominated pursuant to clause (g), (h) and (i) of the Sub-Rule (1) shall be two years.
- (4) The Training Committee may invite any domestic or foreign expert or advisor as an observer at the meeting of the Training Committee, if it deems required.

14. Procedure of Meeting of the Training Committee: (1) The meetings of the Training Committee shall be held as per necessity.

- (2) The attendance of fifty percent members among total number of members of the Training Committee shall be deemed to have constituted a quorum for meetings of the Training Committee.
 - (3) The chairperson of the Training Committee shall preside over the meetings of the Test Committee and, in his/her absence; the member chosen by the members present at the meeting from amongst themselves shall preside over the meetings.
 - (4) The majority opinion shall be valid in the meetings of the Training Committee and in case to tie, the chairing person may exercise casting vote.
 - (5) The decision of the Training Committee shall be authenticated by the member-secretary of the Training Committee.
 - (6) Other procedures relating to the meetings of the Training Committee shall be as determined by the Training Committee itself.
15. Other Functions, Duties and Powers of the Training Committee: Other functions, duties and powers of the Training Committee except mentioned in this chapter shall be as prescribed by the Council.
 16. Other Provisions Relating to Training: The prerequisite fulfilled by the trainee participating in the training before conducting training, obligation of manager providing training to the trainees, format of certificate to be conferred to the trainees and other related arrangements thereof shall be as prescribed by the Council.

Chapter-5

Technical and Vocational Training

17. Permission to be Acquired for Operation of Institution: The person, who wants to operate institution in private sector by being affiliated to the Council, shall have to submit an application for permission in the format as prescribed by the Council along with fee as prescribed by the Council at the office of the Council by fulfilling processes as referred in Rule 20.

18. To Confer Temporary Permission: If it is seen appropriate to confer permission of operating institution to the applicant after scrutiny of the application submitted pursuant to Rule 17 and documents attached therewith, the Council shall confer two years temporary approval for probation.
19. Permanent Permission may be Conferred: If it is seen that the institution, having obtained temporary permission pursuant to Rule 18, has fulfilled all terms and conditions as prescribed by the Council within two years, the Council may confer permanent permission to such institution.
20. Provision Relating to Assets and Deposit: (1) The following assets shall be required in order to obtain permission of operating the institution:-
- (a) Movable or immovable assets as equivalent to One Hundred Fifty Thousand Rupees for operating junior technician training.
 - (b) Movable or immovable assets as equivalent to Four Hundred Thousand Rupees for operating polytechnic training.
 - (c) Movable or immovable assets as equivalent to Seventy Five Thousand Rupees for operating any training of up to three months.
- (2) The person having assets as mentioned in Sub-Rule (1) shall have to keep following amount as a deposit at the Council while submitted application for operating institution.
- (a) Fifty Thousand Rupees for operating junior technician training.
 - (b) One Hundred Thousand Rupees for operating polytechnic training.
 - (c) Twenty Five Thousand Rupees for operating any training of up to three months.
21. Application to be submitted for Cancellation of Permission: (1) In case, the person doesn't want to operate institution or fails to operate such institution, he/she may submit an application for cancellation of obtained permission at the office of the Council by mentioning cause thereof.

- (2) If the application as referred in Sub-Rule (1) is received, the Council may cancel the permission obtained by him/her as per demand of the applicant after conducting inspection of the institution as per necessity.
- (3) If the permission obtained by the applicant is cancelled pursuant to Sub-Rule (2), such institution shall have to complete training of trainee admitted at the institution from the same or other institutions.

22. Council may Suspend or Cancel Permission: (1) If any institution, having obtained permission pursuant to Rule 18 or 19, has performed any act against the Act and these Rules or has not complied with the direction of the Council, the Council may suspend any training-operating by such institution- as not to operate for a time being, may suspend the institution for certain period or may cancel permission obtained by such institution.

- (2) If any institution is unable to operate training pursuant to Sub-Rule (1), such institution shall not be able to admit new trainee for such training or if the permission of institution is cancelled, such institution shall not be able to admit new trainee for any training.

Provided that, in case the training of admitted trainees is not completed, such uncompleted training shall have to be completed from such institution or from other institution on its expenses.

- (3) If the institution, whose permission is cancelled pursuant to Rule 21 or is suspended or cancelled pursuant to Sub-Rule (1), fails to complete uncompleted training of trainees admitted at such institution, such institution shall not be able to get reimbursement of the amount kept as deposit at the Council and if the permission of such institution is only suspended, the same shall be cancelled also.
- (4) The Council shall provide an appropriate chance of submitting clarification before suspending or cancelling permission of the institution pursuant to this Rule.

23. The Council may make Completion of Uncompleted Training: If the training of any trainee- admitted at the institution whose permission is suspended or cancelled pursuant to Rule 21 or 22- is not completed while suspending or cancelling of permission of such institution and if such institution fails to make complete that training, the Council may make arrangement to complete uncompleted training of such trainee from other institution if covered by the amount kept at the Council as deposit by such institution.
24. Provision Relating to Physical Facilities, Curriculum and Trainers: The institution shall have to arrange following arrangements for operating any training:-
- (a) The physical facilities of study, teaching, field practice, physical development, library etc. as prescribed by the Council.
 - (b) Operation of training or program on the basis of curriculum prescribed by the Council.
 - (c) Arrangement of trainer or trainee on the basis of qualification and number prescribed by the Council.
25. The Council shall conduct Final Examination: (1) The Council may conduct or cause to be conducted final examination of training operated by the institution.
- (2) The concerned institution shall have to bear all expenses accrued in conducting of the examination as referred in Sub-Rule (1).
26. Representative shall be placed in the Board of Directors: While forming the board of directors, the institution shall have to place a representative as prescribed by the Council.
27. Audit Report and Progress Report shall have to be sent to the Council:
- (1) The institution shall have to make audit of its income and expenditure by the authorized auditor and to send report thereof to the Council within three months from completion of fiscal year.

- (2) The institution shall have to send its quarterly progress details of annual program to the Council.
28. Inspection may be conducted: (1) The Council may conduct or cause to be conducted required inspection in connection to any act and activity of the institution.
- (2) The institution shall have duty to provide required support to the person deputed to inspect by the Council pursuant to Sub-Rule (1).
- (3) The person deputed by the Council may give required direction to the institution during inspection pursuant to Sub-Rule (2) and the concerned institution shall have duty to comply such given direction.
29. Council shall not be Responsible: The Council shall not be responsible to any financial or administrative dealing conducted by the institution during its act and activity.

Chapter-6

Miscellaneous

30. Establishment and Operation of Technical School: The provision of establishment of the technical school and curriculum, course book, educational materials, physical facilities and trainers required for technical education and vocation training operating in such school shall be as mentioned in the bylaw.
31. Delegation of Power: (1) The chairperson or vice-chairperson may delegate some powers amongst powers vested to him/her by these Rules to any office-bearer or to any officer employee of the Council as per necessity.
- (2) The member-secretary may delegate some powers amongst powers vested to him/her by these Rules to any employee of the Council as per necessity.
32. Service Terms and Facilities of the Employee: The provisions of service terms and facilities of the employees of the Council shall be as mentioned in the bylaw.

33. Repeal and Saving: (1) The Council for Technical Education and Vocational Training Rules, 2046 (1989) is hereby repealed.
- (2) The acts done and actions taken under the Council for Technical Education and Vocational Training Rules, 2046 (1989) shall be deemed to have been done and taken under these Rules.

As ordered,

Ishwar Prasad Upadhyay

Secretary of His Majesty's Government