

Nepal Health Research Council Act, 2047 (1991)

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Acts Amendment Act, 2066(2010)¹

Act number 29 of the year 2047(1991)

An Act Made to Provide for the Establishment and Management of Nepal Health Research Council

Preamble: Whereas, it is expedient to establish and manage the Nepal Health Research Council in order to maintain the health facilities of the general public by doing study and research works on the problems appearing in the health sector;

Be it enacted by His Majesty King Birendra Bir Bikram Shah Dev on the advice and with the consent of the Council of Ministers, in accordance with Article 129 of the Constitution of the Nepal, 2047(1990).

1. **Short title and commencement:** (1) This Act may be called as the "Nepal Health Research Council Act, 2047(1991)".

(2) This Act shall come into force immediately.

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

(a) "Council" means the Nepal Health Research Council established under Section 3.

(b) "committee" means the executive committee formed pursuant to Section 7.

¹ This Act came into force on 15 *Jestha* 2065, "*prasasti*" and the word "kingdom" has been deleted.

- (c) "member" means the member of the executive committee and this term includes the chairperson, vice-chairperson and member secretary of the committee.
- (d) "prescribed" or "as prescribed" means prescribed or as prescribed in the Bye-law framed under this Act.

3. **Establishment of Council:** (1) The Nepal Health Research Council is hereby established to do, or cause to be done, high-level study and research works on health.

(2) The office of the Council shall be situated in the Kathmandu.

4. **Council to be autonomous body:** (1) The Council shall be an autonomous body corporate with perpetual succession.

(2) The Council shall have a separate seal of its own for all of its activities.

(3) The Council may, like an individual, acquire, use, sell and dispose of, or otherwise manage, any movable and immovable property.

(4) The Council may, like an individual, sue by its name and be also sued by the same name.

5. **Objectives of Council:** The objectives of the Council shall be as follows:

(a) To do, or cause to be done, study and research works on various problems which are appearing or which may appear in the future in the field of health.

(b) To operate programs on consultancy service and information in order to make health related study and research programs more useful.

- (c) To obtain information as to the study and research or works done on health related various problems appearing in the world and give information thereof to the Government of Nepal.

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

- (a) Subject to the health policy of the Government of Nepal, to do, or cause to be done, study and research works on health within Nepal.
- (b) To formulate policies on both basic and applied study and research works on health.
- (c) To do research on health system, biomedical health service, food, behaviour and decency and do, or cause to be done, study on prevention, diagnosis, treatment of diseases and ailments.
- (d) To specify priority sectors of study and research relating to health.
- (e) To give consent for study and research works on health, fix priority and make recommendation to the Government of Nepal.
- (f) To coordinate, guide and assess research works on health and render necessary advice.
- (g) To publish and publicize health related knowledge, experience and outputs of research and exchange information at the national and international levels.
- (h) To do research works on health within Nepal, and where a research work is to be done in an area where facility is not available, to give approval to undertake some part of research abroad.
- (i) To provide prize, scholarship and travel allowance as required to a person or organization who does research on health.
- (j) To maintain records of health related research works.

7. **Formation of executive committee:** (1) There shall be one executive committee comprising the following members for the operation of business of the Council:

- (a) Seven persons nominated by the Government of Nepal from amongst the physicians of modern medical system and ayurvedic medical system, having experience in health related study and research -Chairperson
- (b) Representative, Ministry of Finance -Member
- (c) Representative, National Planning Commission -Member
- (d) Representative, Ministry of Health -Member
- (e) Chief, Research Committee, Institute of Medicines -Member
- (f) Chairperson, Nepal Medical Council -Member
- (g) One person designated by the Government of Nepal -Member Secretary

(2) The Government of Nepal shall designate on chairperson and one vice-chairperson from amongst the nominated members as referred to in Clause (a) of Sub-section (1).

(3) The term of office of the nominated members of the committee shall be Four years and they may be re-nominated.

(4) If the Government of Nepal considers so necessary, it may, by a notification in the Nepal Gazette, make necessary alteration or change in respect of the members.

8. Meeting of committee: (1) The committee shall hold its meeting at such place, time and date as may be specified by the chairperson.

(2) The presence of at least fifty percent members of the total number of members of the committee shall be deemed to constitute a quorum for a meeting of the committee.

(3) The meeting of the committee shall be presided over by the chairperson, by the vice-chairperson in the absence of the chairperson and by the person selected by the members from amongst themselves in the absence of both the chairperson and vice-chairperson.

(4) Other matters related with the meeting of the committee shall be as determined by the committee itself.

9. Functions, duties and powers of committee: (1) It shall be the duty of the committee to perform, exercise and carry out all such functions, powers and duties required to be performed by the Council, subject to this Act and the bye-law framed under this Act.

(2) The committee may, as per necessity, hand over the powers which it may exercise to the chairperson, member, member secretary or officer of the Council.

10. Powers to form sub-committees: (1) The committee may form sub-committees, as required, for the operation of its business.

11. Requirement of approval to do health related research: (1) A person or organization who intends to do research works on health after the commencement of this Act has to obtain permission of the Council.

(2) In giving approval pursuant to Sub-section (1), the Council may specify terms as prescribed.

Explanation: For the purpose of this section, research means research along with experiment.

12. Special powers of Council: (1) The Council may give necessary direction to the person or organization who is involved in research works on health as approved pursuant to Section 11.

(2) If any person or organization does a research work without obtaining approval pursuant to Section 11 or does not observe the direction given by the Council in doing research work after obtaining approval, the Council may warn such person or organization or restrict such research work for a certain period of time.

(3) In taking action pursuant to Sub-section (2), the Council shall give proper opportunity to defend to the concerned person or organization.

13. Fund of Council: (1) The Council shall have a separate fund of its own.

(2) The fund of the Council shall consist of the following amounts:

- (a) Grants received from the Government of Nepal,
- (b) Grants received from any foreign governments or international organizations,
- (c) Amounts received for having done or provided research works and consultancy services,
- (d) Amounts received from other sources.

(3) Prior approval of the Government of Nepal shall be obtained in obtaining grants from any foreign government or international organization.

(4) All amounts to be received by the Council shall be credited to the account to be opened with any commercial bank.

(5) All the expenditures to be incurred by the Council shall be chargeable on the fund as referred to in Sub-section (1).

14. Accounts and audit: (1) The accounts of the incomes and expenditures of the Council shall be maintained in accordance with the method prescribed by the Government of Nepal.

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

15. Administrative chief: The Government of Nepal may designate the chairperson as the executive chairperson. Pending the designation of such executive chairperson, the member secretary of the committee shall act the administrative chief of the Council.

16. Employees of Council: (1) The committee shall appoint, as prescribed, such employees as may be required for the operation of the business of the Council.

(2) The remuneration, terms and conditions of service and facilities of the employees appointed pursuant to Sub-section (1) shall be as prescribed.

17. Submission of report to the Government of Nepal: The Council shall submit an annual report of the activities carried out by it to the Government of Nepal within six months after the expiration of every fiscal year.

18. Powers of the Government of Nepal to give direction:

The Government of Nepal may give necessary direction to the Council and it shall be the duty of the Council to observe such direction.

19. **Liaison with the Government of Nepal:** The Council shall liaise with the Government of Nepal through the Ministry of Health.
20. **Dissolution of Council:** (1) If Government of Nepal decides to dissolve the Council for any reasonable reason, the Council shall be dissolved.
- (2) If the Council is dissolved pursuant to Sub-section (1), the powers and obligations of the Council shall devolve on Government of Nepal.
21. **Powers to frame Bye-law:** The Council may, with the approval of the Government of Nepal, frame necessary Bye-laws so as to carry out the objectives of this Act.