

Nepal Fine Arts Academy Act, 2064 (2007)

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Act Number 23 of the Year 2064 (2007)

An Act made to provide for Nepal Fine Arts Academy

Preamble: Whereas, it is expedient to make legal provisions for the establishment and operation of Nepal Fine Arts Academy in order to protect, maintain, promote, and make overall development of Fine Arts of Nepal, a multi-ethnic, multi-linguistic and multi-cultural country, and conduct, or cause to be conducted, study and research on the discipline of fine arts and, on respecting and honouring the intellectuals and talents in this field;

Now, therefore, be it enacted by the Legislature-Parliament.

Chapter-1

Preliminary

1. **Short title and commencement:** (1) This Act may be called as "Nepal Fine Arts Academy Act, 2064(2007)."
(2) This Act shall come into force immediately.
2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:
 - (a) "Fine arts" means painting (*Chitrakala*), sculpture, folk art (*Lokkala*), handicraft, *Silpakala*, *Bastukala* and other creative arts.

- (b) "Academy" means Nepal Fine Arts Academy established under Section 3.
- (c) "Assembly" means the academic assembly as referred to in Section 7.
- (d) "Council" means the academic council as referred to in Section 11.
- (e) "Chancellor" means the Chancellor of the Academy.
- (f) "Vice-Chancellor" means the Vice-Chancellor of the Academy.
- (g) "Secretary" means the Secretary of the Academy.
- (h) "Office-bearer" means the Chancellor, Vice-chancellor, Secretary and nominated members of the Council.
- (i) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

Chapter-2

Establishment and Functions, Duties and

Powers of the Academy

3. **Establishment of the Academy:** (1) An Academy is hereby established by the name of Nepal Fine Art Academy in order to carry out activities including the protection, preservation, promotion and overall development of Nepali fine arts.

(2) The central office of the Academy shall be situated in Kathmandu Valley, and the Academy may, as required, open its branches in various places of Nepal.
4. **Academy to be autonomous body:** (1) The Academy shall be an autonomous body corporate with perpetual succession.

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

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

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

(5) The Academy may, like an individual, make a contract and exercise and perform rights and duties under the contract.

5. Functions, duties and powers of the Academy: The functions, duties and powers of the Academy shall be as follows, in addition to the functions, duties and powers mentioned elsewhere in this Act:

- (a) To formulate policies and programmes of the Academy;
- (b) To collect, protect, maintain and do study and research works on fine arts;
- (c) To create and publish, or cause to be created and published, research and innovative works on the discipline of fine arts;
- (d) To make provision for the honour, respect of and prizes to native and foreign persons who render outstanding contribution to the fine arts discipline;
- (e) To establish libraries, galleries, museums etc. relating to fine arts;
- (f) To make provision of academic fellowship for study and research on fine arts;
- (g) To operate training programmes on fine arts;
- (h) To do study and research on, protect and maintain, fine arts that reflect identity of various castes, tribes and communities of Nepal;

- (i) To introduce Nepali fine arts to the world and *vice versa*;
- (j) To encourage relevant organizations and persons to develop and expand fine arts;
- (k) To hold, or cause to be held, national and international symposia, workshops, conferences, exhibitions, festivals and competitions on fine arts;
- (l) To establish and expand relations with organizations related with the field of fine arts and exchange mutual cooperation with such organizations;
- (m) To boost up, develop and expand folk pro-people (*Lokpacchiya*) arts;
- (n) To perform, or cause to be performed such other functions as may be required for the accomplishment of the objectives of this Act.

Chapter-3

Organization of the Academy

6. **Organization of the Academy:** The organization of the Academy shall be as follows, and their collective form shall be the structure of the Academy:
- (a) Assembly,
 - (b) Council, and
 - (c) Service Commission.
7. **Assembly:** (1) There shall be an Academic Assembly as the supreme body of the Academy.
- (2) The composition of the Assembly shall be as follows:

- (a) Chancellor -Chairperson
- (b) Vice-Chancellor -Vice-chairperson
- (c) Secretary, Ministry of Culture,
Tourism and Civil Aviation -Member
- (d) Twenty Four persons nominated by
the Prime Minister from amongst the
outstanding persons related with the
field of fine arts, having regard to
inclusiveness and also in such a
manner as to have appropriate
representation of women, as well -Member
- (e) Secretary -Member secretary

(3) The tenure of office of the nominated members as referred to in Sub-section (2) shall be Four years.

(4) If the office of a nominated member of the Assembly falls vacant for any reason, another person shall be nominated for the remainder of term of office from the same discipline or sector as such a member was nominated.

(5) The facilities of the members of the Assembly shall be as prescribed.

8. Recommendation committee: (1) There shall be a recommendation committee as follows for making recommendation of names to the Prime Minister for appointment of office-bearers and nomination of members to be nominated in the Assembly:

- (a) Minister for Culture, Tourism and Civil Aviation -Chairperson
- (b) Two persons designated by the Prime Minister from amongst persons who are renowned in the field of fine arts -Member

(2) In recommending names for nomination of members of the Assembly, the committee as referred to in Sub-section (1) shall recommend names from amongst the persons who have done teaching and research in the field of fine arts or who are renowned in that discipline, in such a manner as to have representation from all disciplines and fields of fine arts and as to include all castes/tribes, genders and languages and dialects.

(3) In recommending names for appointment of office-bearers, the committee as referred to in Sub-section (1) shall recommend from amongst the nominated members of the Assembly.

(4) The procedures to be followed by the committee as referred to in Sub-section (1) in making recommendation shall be as determined by the committee itself.

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

- (a) To fix policies of the Academy;
- (b) To approve annual plans and programmes of the Academy;
- (c) To pass annual budget of the Academy;
- (d) To endorse fellowship, honour and prizes,
- (e) To give necessary direction and guidance to the Council;
- (f) To monitor and evaluate the activities of the Council;

- (g) To approve the Rules of the Academy;
- (h) To perform such other acts as prescribed.

10. Meeting of the Assembly: (1) The Assembly shall hold its meeting at least Twice a year.

(2) The meeting of the Assembly shall be held at such a date, time and venue as specified by the chairperson of the Assembly.

(3) The member secretary of the Assembly shall give a notice, accompanied by the agenda to be discussed at the meeting, to every member in advance of at least Fifteen days of the holding of the meeting of the Assembly.

(4) The presence of more than Fifty percent of the total number of the then members of the Assembly shall be deemed to constitute a quorum for a meeting of the Assembly.

(5) The meeting of the Assembly shall be presided over by the chairperson of the Assembly, and by the vice-chairperson, in the absence of the chairperson.

(6) A majority opinion shall prevail at the meeting of the Assembly; and in the event of a tie, the person presiding over the meeting shall exercise the casting vote.

(7) The decisions of the Assembly shall be authenticated by the member secretary of the Assembly.

(8) The Assembly may invite honorary academician and life-long members of the Academy to take part as an observer in the meeting of the Assembly.

(9) Other procedures relating to the meeting of the Assembly shall be as determined by the Assembly itself.

11. Council: (1) There shall be an Academic Council to act as an executive body of the Academy.

(2) The composition of the Council shall be as follows:

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| (a) Chancellor | -Chairperson |
| (b) Vice-Chancellor | -Vice-chairperson |
| (c) Six persons nominated by the Prime Minister from amongst the nominated members of the Assembly, consisting of at least Two women, and in such a manner as to have representation from various castes, tribes, languages and dialects, as far as possible | -Member |
| (d) Secretary | -Member secretary |

(3) If the office of a member as referred to in Clause (c) of Sub-section (2) falls vacant for any reason, another person shall be nominated for the remainder of term of office from the same discipline or sector as such a member was nominated.

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

- (a) To implement the decisions made by the Assembly;
- (b) To abide by directions given by the Assembly;
- (c) To submit the audit report to the Assembly;

- (d) To discuss, and amend as required, annual programmes, budget, progress reports and other reports submitted by the Secretary and submit the same to the Assembly for endorsement;
- (e) To manage, operate, protect and look after, or cause to be managed, operated, protected and looked after, the movable and immovable properties of the Academy;
- (f) To manage and operate the fund of the Academy;
- (g) To receive financial and other assistance received for the Academy;
- (h) To submit a proposal of fellowship, honour and prizes to the Assembly for approval,
- (i) To form, as required, any committee, sub-committee or task force in relation to the activities of the Council and specify the functions, duties and powers of such committee, sub-committee or task force,
- (j) To perform such other functions as prescribed.

13. Meeting of the Council: (1) The Council shall hold its meeting at least once in every Two months.

(2) The meeting of the Council shall be held at such a date, time and venue as specified by the chairperson of the Council.

(3) The member secretary shall give a notice, accompanied by the agenda to be discussed at the meeting, to every member in advance of at least Twenty Four hours of the holding of the meeting of the Council.

(4) The presence of more than Fifty percent of the total number of the then members of the Council shall be deemed to constitute a quorum for a meeting of the Council.

(5) The meeting of the Council shall be presided over by the chairperson of the Council, and by the vice-chairperson, in the absence of the chairperson.

(6) A majority opinion shall prevail at the meeting of the Council; and in the event of a tie, the person presiding over the meeting shall exercise the casting vote.

(7) The decisions of the Council shall be authenticated by the member secretary of the Council.

(8) Other procedures relating to the meeting of the Council shall be as determined by the Council itself.

Chapter-4

Chief Patron, Patron, office-bearers and employees of the Academy

14. **Chief Patron:** The Prime Minister shall be the Chief Patron of the Academy.
15. **Patron:** The Minister for Culture, Tourism and Civil Aviation shall be the Patron of the Academy.
16. **Chancellor:** (1) There shall be one Chancellor in the Academy.
(2) The Chancellor shall be the chief office-bearer of the Academy.
17. **Functions, duties and powers of the Chancellor:** The functions, duties and powers of the Chancellor shall be as follows, in addition to the functions, duties and powers mentioned elsewhere in this Act:
- (a) To implement, or cause to be implemented, directions given by the Assembly and decisions made by the Council;

- (b) To cause annual programmes, budget, progress reports and other reports of the Academy to be prepared;
- (c) To exercise general control over the acts, actions and personnel administration of the Academy;
- (d) To make contracts on behalf of the Academy, by obtaining approval of the Council;
- (e) To make necessary contact with native and foreign organizations on matters related with the functions of the Academy;
- (f) To perform such other functions as prescribed.

18. Vice-chancellor: There shall be one Vice-chancellor in the Academy.

19. Functions, duties and powers of the Vice-chancellor: The functions, duties and powers of the Vice-chancellor shall be as follows:

- (a) To assist the Chancellor in implementing, or causing to be implemented, directions given by the Assembly and decisions made by the Council;
- (b) To perform all such functions in the absence of the Chancellor as required to be performed by the Chancellor;
- (c) To perform other functions at the direction of the Chancellor.

20. Secretary: (1) There shall be one Secretary in the Academy.

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

21. Provisions relating to office-bearers: (1) The Prime Minister shall, subject to this Act, appoint the office-bearers.

(2) The term of office of the office-bearer shall be Four years.

(3) The office-bearers shall serve in the Academy on the whole-time basis.

(4) The remuneration, conditions of service and facilities of the office-bearers shall be as prescribed.

22. Circumstance where office becomes vacant: The office of an office-bearer and Assembly member shall be deemed to be vacant in any of the following circumstances:

- (a) If his or her term of office expires;
- (b) If he or she resigns;
- (c) If he or she is of unsound mind;
- (d) If he or she is convicted by a court of a criminal offence involving moral turpitude;
- (e) If he or she is removed from office pursuant to Section 23; or
- (f) If he or she dies.

23. Power to remove from office: (1) If at least One Fourth of the currently existing members of the Assembly make an application in writing to the prime Minister that any office-bearer or Assembly member has failed to perform the duties of his or her office in consonance with the objectives of this Act or to perform conduct corresponding to his or her office or to perform his or her duties honestly, the Prime Minister shall form an inquiry committee from amongst the members of the Assembly.

(2) The inquiry committee as referred to in Sub-section (1) shall make inquiries into the matter and submit its report to the Prime Minister, and the Prime Minister shall arrange to lay such a report before the Assembly for discussions.

(3) If, on holding discussions on the report submitted pursuant to Sub-section (2), a majority of the members of the Assembly decide to the effect that the office-bearer or member of the Assembly has failed to perform the duties of his or her office in consonance with the objectives of this Act or to perform conduct corresponding to his or her office or to perform his or her duties honestly, the Prime Minister shall remove such office-bearer or member of the Assembly from his or her office.

(4) Prior to removing the office-bearer or member of the Assembly pursuant to Sub-section (3), the office-bearer or member shall be given an opportunity to defend himself or herself.

24. Employees: (1) The Academy shall have a required number of employees.

(2) The provisions relating to the appointment, remuneration, facilities and terms and conditions of service of the employees as referred to in Sub-section (1) shall be as prescribed.

25. Service Commission: (1) There shall be an Academy Service Commission, as follows, to make recommendation for the permanent appointment and promotion of the employees of the Academy.

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| (a) | A Member of the Public Service Commission designated by that Commission | -Chairperson |
| (b) | One member of the Assembly designated by the Assembly | -Member |
| (c) | Secretary | -Member secretary |

(2) The other functions, duties and powers of the Service Commission shall be as prescribed.

(3) The procedures relating to the meetings of the Service Commission shall be as determined by the Service Commission itself.

(4) The chairperson and members of the Service Commission shall be entitled to such meeting allowance as prescribed for taking part in the meetings of the Service Commission.

Chapter-5

Fund and audit

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

(2) The fund as referred to in Sub-section (1) shall consist of the following amounts:

- (a) Amounts received from the Government of Nepal,
- (b) Amounts received from any foreign government, organization or person,
- (c) Amounts received from any native organization or person,
- (d) Amounts received in consideration for any services provided by the Academy, and
- (e) Amounts received from any other sources.

(3) Prior to receiving amounts as referred to in Clause (b) of Sub-section (2), the Academy shall obtain approval of the Government of Nepal.

(4) The moneys of the fund of the Academy shall be deposited in an account opened with a bank as designated by the Academy.

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

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

27. Accounts and audit: (1) The accounts of the incomes and expenditures of the Academy shall be maintained in accordance with the procedures followed by the Government of Nepal.

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

Chapter-6

Miscellaneous

28. Honourary academician and life-long membership: (1) The Assembly may, on the recommendation of the Council, grant the honorary academician of the Academy to any native or foreign person who, having rendered significant contribution to the development of fine arts, elevated the glory/prestige of Nepal at the national and international sectors.

(2) The Assembly may grant the life-long membership of the Academy to a citizen of Nepal who has rendered significant contribution to the discipline of fine arts.

(3) The grounds for granting the honorary academician and life-long membership pursuant to Sub-sections (1) and (2) shall be as prescribed.

(4) The Academy may provide such facilities as may be prescribed to the life-long members.

Provided that, any life-long member who is getting any remuneration or facility from the Government of Nepal shall not be entitled to such facilities.

(5) The Assembly may remove any honorary academician and life-long member from membership in the prescribed circumstance.

- 29. Power to grant honour, reverence and prize:** The Assembly may grant honour, reverence and prize to a person who has rendered significant contribution to the discipline of fine arts.
- 30. Annual report to be submitted:** The Academy shall submit to the Government of Nepal an annual report of activities carried out by it each year.
- 31. Oath:** Prior to assuming their duties, the Chancellor shall take an oath before the Prime Minister and the Vice-chancellor, secretary and member of the Assembly shall take an oath before the Chancellor in the form as set forth in the Schedule.
- 32. Delegation of powers:** (1) The Assembly may, as required, delegate any of the powers conferred to it under this Act or the Rules framed under this Act to the Council.
- (2) The Council may, as required, delegate any of the powers conferred to it under this Act or the Rules framed under this Act to the Chancellor, Vice-chancellor or Secretary.
- (3) The Chancellor may, as required, delegate any of the powers conferred to him or her under this Act or the Rules framed under this Act to the Vice-chancellor or Secretary.

(4) The Vice-chancellor may, as required, delegate any of the powers conferred to him or her under this Act or the Rules framed under this Act to the Secretary.

33. **Logo:** The logo of the Academy shall be as prescribed.
34. **Liaison Ministry:** Ministry of Culture, Tourism and Civil Aviation shall liaison the Academy with the Government of Nepal.
35. **Powers to frame Rules:** The Academy may frame necessary Rules for the implementation of the objectives of this Act.

Provided that, in making Rules on matters involving financial burden on the Government of Nepal, prior approval of the Government of Nepal shall be obtained.

NEPAL LAW COMMISSION

Schedule

(Relating to Section 31)

Oath

I..... promise with truth and faith/swear in the name of God that I shall honestly perform my duties in the capacity of, subject to the laws in force and without fear of any one, without partiality and inclination or bad intention towards any one, giving high recognition to the aspirations expressed through the Popular Movement by the people that the state authority and sovereignty of Nepal be vested in the Nepalese people only and being fully loyal to the Interim Constitution of Nepal, 2063 (2007) providing for the exercise of all powers of the State of Nepal by the Legislature-Parliament, and that I shall not disclose or indicate, or cause to be disclosed or indicated, in any manner, any information known to me in the course of performance of my duties except in the course of observance of the laws in force, in any circumstance whether holding office or ceasing to hold office.

Date:

Name:

Signature: