

## **National Examinations Board Regulations 2076 (2019)**

Government of Nepal has framed the following regulations exercising the powers conferred by Education Act 2028 (1971), Clause 19.

### **1) Short Name and Commencement:**

- I. The name of the regulations shall be called “National Examinations Board Regulations 2076 (2019).”
- II. This regulation shall come into effect immediately.

### **2) Definition: In this Regulation, unless the subject or context otherwise requires,--**

- a. “Act” means the Education Act 2028 (1971).
- b. “Board” means National Examinations Board
- c. “The Chairperson of the Board” means the Chairperson being appointed in accordance with Clause 4 (a) of the Act.
- d. “Ministry” means the ministry which governs the education sector of Nepal.

### **3) Functions, Duties and Powers of the Board:** In addition to the powers, duties and responsibilities mentioned in the Act, the powers, duties and responsibilities of the Board are given as follow.

- a. To approve the programs for reformation by making investigations and evaluations of the problems found in the examination system,
- b. To make provision of the human resources as per the requirement of the Board,
- c. To submit the proposal of the required positions of the personnel to the Ministry for approval,
- d. To certify or verify the certificates in accordance with the record of the Board.
- e. To make the regulations relating to the Board personnel’s service, conditions and facilities and submit it to the Ministry for approval,
- f. To perform other tasks related to the Board.

### **4) Procedures Relating to the Meeting of the Board**

- 1) Generally, as required, meetings of the Board shall be held at the venue, time and date confirmed by the Chairperson.
- 2) The notice of the meeting shall be circulated to all the Board members by the Member-Secretary along with a list of agenda to be discussed at the meeting at least 24 hours prior to the meeting.
- 3) The meeting of the Board shall be meant to have constituted the quorum only if the fifty percent of the existing Board members attend it.
- 4) The meeting shall be chaired by the Chairperson and by the Vice-chairperson if the former is absent in the meeting.
- 5) The opinion of the majority of the members of the Board shall be binding but in case the tie of votes, the person in the chair shall exercise casting decisive vote.
- 6) The decision of the Board shall be authenticated by the signatures of the Chairperson and the Member -Secretary of the Board.

## **5) Functions, Duties and Powers of the Chairperson**

- 1) Functions, Duties and Powers of the Chairperson shall be as follows.
  - a. To formulate or cause to formulate short-term and long-term policies, plans and programs.
  - b. To maintain or cause to maintain coordination with nutritive and foreign governmental and non-governmental organizations or individuals related to the Board.
  - c. To carry out or cause to carry out the evaluations of progress of the plans and programs related to the examinations being conducted under the Board.
  - d. To monitor and supervise or cause to monitor and supervise the examinations being conducted by the Board.
  - e. To prepare the resolutions to be submitted to the Board.
  - f. To cause to prepare the Board's annual report.
- 2) As per the requirement, the Chairperson of the Board may delegate some of his/her powers to the Member -Secretary and the officers of the Board.

## **6. Functions, Duties and Powers of the Member-Secretary.**

- 1) The functions, duties and powers of the Member-Secretary shall be as follows.
  - a. To prepare the resolutions to be introduced in the Board meeting.
  - b. To implement the decisions made by the Board.
  - c. To prepare the estimated annual income and expenditure(budget) and programs of the Board and submit them prior to the Board meeting.
  - d. To carry out or cause to carry out the required tasks relating to the mobilization of the fund and management, protection and operation of the property of the Board.
  - e. To prepare the Board's annual financial report and get it audited.
  - f. To carry out or cause to carry out other functions related with or as prescribed by the Board.
- 2) As per the requirement, the Member-Secretary may delegate some of his/her powers to the officers of the Board.

**7. Conditions of No Nomination of the Chairperson of the Board:** The following individual shall not be able to be nominated as the Chairperson of the Board.

- a. A non- Nepali Citizen
- b. A person being penalized from the court in cases like corruption, rape, human trafficking and sale, drug trafficking, sale and distribution, property cleansing, misuse of passport, kidnapping, any kind of moral degradation and any other criminal activity.
- c. A person made redundant as official punishment and declared disqualified for any kind of government or public job in the future.
- d. A person with permanent residential card of a foreign country (Green card holder).

- e. A person blacklisted with existing laws.
- f. An undischarged bankrupt
- g. A person with mental disorder

**8. Circumstances under which the Chairperson Ceases to Hold the Office:**The Chairperson shall cease to hold office under the following circumstances:

- a. If the tenure of his office expires
- b. If he/she tenders written resignation and the Government of Nepal approves it,
- c. If he is dismissed from the office in accordance with the Clause 4, Sub-clause (5) of the Act,
- d. If he/she becomes disqualified as per the rule 7 above or
- e. If he/she dies.

**9. Terms and Conditions of Remuneration, Service and other Facilities of the Chairperson:**

1. The Chairperson of the Board shall be entitled to remuneration equivalent to the distinguished officer of the Government of Nepal from the day of holding his/her office.

But, if a person receiving pension from the Nepal government or from the Public organizations with ownership or Funding of the Nepal government holds the position the Chairperson of the Board, he/she shall get only one facility either pension or the salary as per his/her choice.

2. The Board Chairperson shall get the following leaves.

- a. Home Leave: Excluding the public holidays one day in proportion to 12 working days.
- b. Sick Leave: 12 days per year
- c. Casual Leave and Festival Leave: 12 days per year
- d. Death Rite Leave: As per his/her religious conviction, if the Chairperson of the Board himself/herself is to perform the death rites or at the death of his/her parents, grandparents, children, parents-in – law, or spouse – 15 days.
- e. Maternity Leave: If the Chairperson of the Board becomes pregnant, she shall get maternity leave of 98 days before and after her delivery time.
- f. Maternity Care Leave: 15 days in the time when Board Chairperson’s wife delivers a baby.

But such maternity related leaves shall not be allowed more than two times in the entire tenure of the position.

3. If the Chairperson of the Board takes leave as per the sub-rule (2) section (d), he/she must submit the Death Registration Certificate of the deceased person within 15 days after being present in the office and as per the same sub-rule section (e) and (f), Birth Registration Certificate of the baby should be submitted in the central office of the Board.

4. As per sub-rule 2 section (a) and (b), if the Chairperson does not take the facility of such leaves, he/she shall get paid in the proportion of the salary by 15<sup>th</sup> April of each year.

5. If the Chairperson is in leave as per the sub-rule (2) section (d), (e) and (f), he/she shall get paid full salary but such leaves cannot be saved.
6. The Board Chairperson shall receive amount equivalent to one month's salary in the time of major festivals he/she celebrates.
7. The Chairperson of the Board shall receive amount equivalent to 15 days' existing salary per year as treatment allowance.
8. The leave mentioned in sub-rule (2) section (c) can be approved by the president himself/herself but other leaves should be approved from the Ministry.
9. If the Chairperson of the Board has to go in the official tour of foreign countries, such tour shall be approved by the Ministry in the recommendations of the Board.
10. When the Chairperson of the Board is in the official tour inside the country as well as outside the country, he/she shall receive daily allowance and tour allowances equivalent to distinguished government officer of Nepal.

#### **10. Investigation Committee:**

1. If the Chairperson of the Board does not perform expected responsibility of his/her position, as directed by Clause 4 a, Sub-clause (5) of the Act, the following investigation committee shall come into effect to make investigation and give recommendation.

- a. A Secretary either from the Prime Minister's Office or from the Council of Ministers being nominated by the Chief Secretary. - Coordinator.
- b. Deputy Attorney General, Office of the Attorney General .. -Member
- c. Joint Secretary, Ministry. -Member.

2. The procedures of the committee formed in accordance with Sub-rule (1) shall be decided by the government of Nepal while forming the committee.

3. The meetings and other procedures of the committee formed as per sub-rule (1) shall be decided by the committee itself.

4. As per Clause 4a , Sub-clause (5) of the Act, if the nominated member of the Board does not fulfil his/he responsibility honestly, an investigation committee shall come into effect comprising of as follows.

- a. Joint Secretary, Ministry. Coordinator.
- b. Deputy Attorney General, Office of the Attorney General Member
- c. Legal Officer, Ministry Member

5. The procedures of the committee formed in accordance with sub-rule (5), shall be decided by the Ministry while forming the committee.

6. 3. The meetings and other procedures of the committee formed in accordance with Sub-rule (5) shall be decided by the committee itself.

**11. Necessity of Permission:** Whatever it is written in this Regulation elsewhere, the Board, while taking any step that creates economic liability to the government of Nepal, shall take permission from the Ministry of Finance and the Board shall abide by the procedures of economic rules and regulations of the Government of Nepal.

**12. Cancellation and Saving**

- a. Higher Secondary Education Regulation 2052 (1996) has been cancelled.
- b. The tasks done under Higher Secondary Education Regulation 2052 (1996) are assumed to have been done under this new Regulations.
- c. The tasks performed by the Board on the basis of the Act before the commencement of the Regulations shall be assumed to have been done under the National Examinations Board Regulations, 2075 (2019).