

Constitution of Nepal Swimming Association 2080 B.S.



Translation from the Nepalese text to the English version.

Proposed Constitution has been preliminarily reviewed and amended by World Aquatics; To be approved by General Assembly of Nepal Swimming Association, National Sports Council of Nepal and by World Aquatics.

Constitution of Nepal Swimming Association 2080 B.S.

Preamble: In order to develop, popularize and expand swimming sports in Nepal, increase Nepal's participation in swimming sports at an international level, enhance the nation's prestige through the medium of sports, utilize the geographical position and existing physical infrastructure of Nepal and to incorporate swimming as a special sports to promote healthy citizens as well as to unify those who have interests in swimming, swimmers' rights and welfare, it has been expedient to establish an autonomous Nepal Swimming Association as per the international values and recognition and run it in an organized manner.

Chapter- 1 **Preliminary**

1. Short Title and Commencement:

- I. This constitution shall be called "Constitution of Nepal Swimming Association 2080 B.S."
- II. This constitution shall come into force from the date of its approval by the general assembly of Nepal Swimming Association followed by the final approval of World Aquatics.

1A. Member's Information:

- I. Nepal Swimming Association is a member of World Aquatics, the only recognized body in the world which governs Aquatics sport on a worldwide basis, having the following specifications:
 - a) Country and Country Initials: NEPAL- NEP
 - b) Address: International Sports Complex, Satdobato, Lalitpur Metropolitan City, Lalitpur District, Bagmati Province
 - c) Email address: swim_nepal@hotmail.com and swimpresidentnepal@gmail.com
- II. Other International Memberships:

The association may obtain membership of any relevant international association (International, Asian and South Asian levels) for the

development, expansion and support for swimming sports.

2. Definitions:

In this constitution, unless the subject or context requires otherwise, the following terms shall mean:

- (a) "President" shall mean the president of Nepal Swimming Association.
- (b) "Vice-President" shall mean the vice-president of Nepal Swimming Association.
- (c) "Club" shall mean an organization or club established at the local level with the approval of Nepal Swimming Association as its branch for the development of swimming sports in Nepal.
- (d) "Executive Committee" shall mean to the central executive committee of Nepal Swimming Association.
- (e) "Treasurer" shall mean the treasurer of Nepal Swimming Association.
- (f) "Donor" shall mean an individual, an organization or an institution recognized by Nepal Swimming Association for having contributed financial and physical support for the development and expansion of swimming sports in Nepal.
- (g) "District Swimming Association" shall mean the district-level swimming associations under the Nepal Swimming Association formed as per the constitution of Nepal Swimming Association, prevalent laws of Nepal and provincial laws.
- (h) "Technical Committee" shall mean the committee consisting of referees, judges and coaches.
- (i) "Prescribed or as prescribed" shall mean acts carried out in accordance with rules, regulations or directives formulated under this constitution or by the directives of the central executive committee.
- (j) "Nepal Olympic Committee" means the Nepal Olympic Committee recognized by the International Olympic Committee as stipulated in clause 37 of the National Sports Development Act of 2077 B.S.
- (k) "Council" means the National Sports Council formed under the National Sports Development Act of 2077 B.S.

- (l) "Provincial Swimming Association" shall mean the provincial-level swimming association under the Nepal Swimming Association formed as per the constitution of Nepal Swimming Association and the prevalent laws of Nepal.
- (m) "Senior Vice-President" shall mean the senior vice-president of Nepal Swimming Association.
- (n) "Secretary-General" shall mean the secretary-general of Nepal Swimming Association.
- (o) "Constitution" shall mean the constitution of Nepal Swimming Association of 2080 B.S.
- (p) "Association" shall mean the Nepal Swimming Association established according to Article 3 of this constitution.
- (q) "Secretary" shall mean the secretary of Nepal Swimming Association.
- (r) "Secretariat" shall mean the secretariat of Nepal Swimming Association established to execute the decisions of Nepal Swimming Association and to conduct daily activities of the association.
- (s) "Member" shall mean members of the executive committee of Nepal Swimming Association and this term shall also include the president, vice-president, secretary-general, secretary and treasurer of Nepal Swimming Association.
- (t) "Vice-Treasurer" shall mean the vice-treasurer of Nepal Swimming Association.
- (u) "Ordinary Member" shall mean an individual who has obtained the ordinary membership of Nepal Swimming Association.
- (v) "General Assembly" shall mean the supreme body of Nepal Swimming Association as per Article 8 of this constitution.
- (w) "Local Level" shall mean the municipality or rural municipality or the district co-ordination committee formed under the prevailing laws of Nepal.

Chapter - 2
Establishment and Objectives of the Association

3. Establishment of the Association:

- I. In order to develop and expand swimming sports, remaining within this constitution, regulations, guidelines and directives of World Aquatics, sports related international values and principles and remaining within the prevalent laws of Nepal, with its registration at the National Sports Council, the regulating body of this association, an autonomous national level Nepal Swimming Association of Nepal has been established.

- II. Compliance with World Aquatics Decisions:

As the World Aquatics is the only recognized body in the world which governs Aquatics Sports on a worldwide basis, the association is obliged to fully comply with and implement decisions and directives of World Aquatics Bodies, notably of the Congress, the Bureau, the Executive, Judicial Panels (including CAS decision confirming the same) at all times of World Aquatics Constitution, World Aquatics Rules and the WADA Code. Furthermore, all members, individuals in an elected roles or candidates for an election and affiliated member of the association are bound by this constitution and rules made as per this constitution as well as World Aquatics constitution and rules as well as directives and decision of the World Aquatics bodies and CAS. In case on inconsistency between this constitution and/or rules and World Aquatics constitution and/or World Aquatics Rules, the latter shall prevail.

- III. The Central Executive Committee of Nepal Swimming Association governs as the Board of Directors and shall consist of the following 31 members:-

- (a) President – 1
- (b) Senior Vice-President - 1
- (c) Vice-President - 4
- (d) General Secretary - 1

- (e) Secretary - 2
 - (f) Treasurer - 1
 - (g) Joint-Treasurer - 1
 - (h) Members – 20
- IV. Of the members of the central executive committee, as mentioned in sub-article 3 (II), elections shall be held to elect the following members directly - President – 1, Senior Vice-President – 1, Vice-Presidents (including at least 1 female) – 3, General Secretary – 1, Secretary – 2, Treasurer – 1, Joint-Treasurer – 1, Members – 17.
 - V. In the election, as per clause (III), the election committee shall determine the electoral constituencies in such a way that each province where a provincial association has been formed, is represented by at least one member.
 - VI. Except for the directly elected members as per clause (III), one vice-president and one member shall be nominated by the executive committee, and two members shall be nominated by the president. When nominating members, the president must include at least one female member.
 - VII. The electoral constituencies shall be determined accordingly in order to ensure at least 33% female representation of the members in the central executive committee.
 - VIII. World Aquatics Bureau members shall be ex-officio members with a voting right.
 - IX. Nepal Swimming Association shall form a Technical and Athletes' committee consisting of referees, judges and coaches and Athletes. This committee shall function as per the policies and directives of the association and have minimum of one member represented in the Executive Committee with Voting Rights.
 - X. The approval of the central executive committee is required to establish swimming associations at the provincial and local levels. The established swimming associations of the provincial and local levels shall work for the development and expansion of swimming as a sport in Nepal remaining within this constitution, rules and

regulations, international norms and values, prevalent laws of Nepal, provincial laws and local laws.

- XI. The term of the members of Nepal Swimming Association shall be of four years or until the next electoral general assembly and not beyond.
- XII. Elected President shall not be eligible for more than two consecutive terms in the same post.

4. Formation of the Secretariat:

- I. Nepal Swimming Association shall set up and operate a secretariat consisting of the president, general secretary, treasurer and others as required.
- II. In the secretariat set up as per clause (I), other members shall be appointed by the executive committee from amongst the office-bearers and members of the association.
- III. The president and the general secretary of the association shall function as the chairperson and secretary of the secretariat.

5. Objectives of Nepal Swimming Association:

Remaining within the parameters of the prevalent laws of Nepal, taking into account the sports policy of the Government of Nepal and adhering to the Olympic Charter, World Aquatics as well as sports related international values and principles and in co-ordination with the Government of Nepal, the association shall work for the following objectives:

- (a) The association shall be a non-profit, voluntary organization.
- (b) To promote interest in swimming as a sport in the general public.
- (c) To develop and expand swimming as a sport throughout the country with emphasis in its overall development.
- (d) To conduct training programs for the enhancement of the standard of swimming.
- (e) To organize competitions at various levels and categories in swimming.
- (f) To work for the rights, welfare and well-being of the swimmers and coaches.
- (g) In order to produce healthy sportspersons and to enhance public

awareness of the motto "Swimming for health and swimmers for the country".

- (h) To submit recommendations and suggestions, as required, to the Government of Nepal and to the Nepal Olympic Committee for the development and expansion of swimming as a sport and to coordinate in this regard.
- (i) To promote technical human resources for the development, expansion and operation of swimming as a sport.
- (j) To organize participations in national and international level swimming competitions.
- (k) To coordinate with sports related organizations.
- (l) To enhance the prestige, reputation and recognition of the country through swimming as a sports in the international arena.
- (m) To enhance the participation of students, youths and women in swimming.
- (n) To publish or to make arrangements for the publication of bulletins, books, magazines and other such publications for imparting information on swimming.
- (o) To arrange for financial other support in order to make the association financially self- reliant.
- (p) To increase interest in swimming as sports among individuals with physical, mental, psycho-social and intellectual disabilities and organize competitions and training in this sport and enhance the country's prestige by facilitating the participation of such differently abled individuals in international competitions, seminars and conferences.
- (q) To undertake other works as required for the fulfillment of the objectives of the association.
- (r) To form clubs.

6. Association as a Corporate Body:

- (a) The association shall be a corporate body having perpetual succession.
- (b) The association shall have its separate stamp for all functions as

specified in Schedule 1.

- (c) The association can acquire, use, sell and manage movable and immovable properties as an individual.
- (d) The association can sue or be sued as an individual.
- (e) The association shall have its own flag as specified in Schedule 2.

7. Office of Nepal Swimming Association:

- (a) The central office of the Nepal Swimming Association shall be in Kathmandu Valley.
- (b) The association may maintain offices at the central, provincial and district levels for the operation of the secretariat.

Chapter - 3

General Assembly and Relating to Meetings

8. General Assembly:

- I. The central general assembly of Nepal Swimming Association shall consist of the following members:
 - (a) Members of the central executive committee.
 - (b) One representative elected by the technical committee.
 - (c) Two representatives elected by each provincial association established as per clause 23 of the National Sports Development Act of 2077 B.S. However, this provision shall apply only when provincial associations are formed.
 - (d) One representative elected by each district association established as per clause 24 of the National Sports Development Act of 2077 B.S. However, this provision shall apply if and when the district associations are formed.
 - (e) One swimmer amongst the swimmers who has participated in the Olympic Games.
 - (f) The tenure of the elected members of the general assembly from the provinces and the districts shall be deemed to have terminated if an ad-hoc committee has been formed by

dissolving the central level association or if the tenure of the members of the central executive committee has expired.

- II. The association can appoint any individual as an observer, representative, in the general assembly of the association but such individual will have no voting rights.
- III. After the terms of the office bearers and members of the provincial association, district association and the executive committee has expired, election shall be held in their respective general assemblies as per their constitutions to elect the representatives. Such elected representatives shall be sent to the general assembly. Any representative sent not in conformity with the procedures as laid down in the constitution, shall be invalidated.
- IV. Those office bearers of the central executive committee who have been unable to be elected in the election for the central executive committee, shall automatically cease to be members of the general assembly.

9. Meetings of the Association:

- I. After consultation with the president, the general secretary shall call the meeting by specifying the agenda, date, time and place. The notice of the meeting shall be conveyed to each member through a personal email at least 14 days before the date of such meeting. It shall be the duty of the members to register their email ID's at the secretariat. Any changes in the email ID must be notified in writing at least 21 days before such meeting. Any agenda brought up by at least 25% of the members in the meeting shall be discussed and deliberated. The meeting of the association shall be convened at least once in three months.
- II. The quorum of the meeting of the executive committee and general assembly of the association shall be over fifty percent of the total number of members. If the quorum is not met, then such meeting shall be postponed to the next day where no quorum shall be required.
- III. The senior vice-president shall preside over the meeting of the

executive committee or the general assembly in the absence of the president. If both the president and the senior vice-president are absent, the oldest vice-president shall preside over such meeting or the meeting of the general assembly.

- IV. The decision of the majority shall prevail and in case of a tie, the president shall give his/her casting vote. Ex-officio members do not have voting rights except as mentioned in Article 3(VIII). Voting can be conducted by raising of hands if such procedure is accepted by all the voting members present, otherwise it shall be conducted through secret balloting.
- V. The minute book of the association shall be certified by the president and the general secretary.
- VI. The provincial and district associations can formulate their own provisions of their meetings provided that they do not overrule the provisions made in the above sub-clauses I, II, III, IV and V. However, in case new provisions regarding the meetings need to be added, they must obtain approval from the Nepal Swimming Association.
- VII. The meeting of the general assembly and the meetings of the executive committee can be conducted virtually in special circumstances and in situations where financial restraint is required.
- VIII. Any other procedures related to the meetings of the executive committee may be determined by the association itself.
- IX. No decision shall be made against the universal principles of conflict of interest. Any decision taken in contravention of the principles of conflict of interest shall be considered void ab initio.

10. Procedures of the General Assembly:

- I. The procedures of the general assembly shall be as follows:
 - (a) Generally, the general assembly shall be convened once a year. However, this provision shall not be considered as a hurdle in convening special general assembly by the executive

committee or other special general assemblies which can be convened under this constitution.

- (b) A meeting of the special general assembly shall be called within two months by the association if one-fourth members of the general assembly submit a written request on any issue to the president. Furthermore, the president may also convene a special general assembly if he/she deems it necessary to do so.
- (c) The association must call the meetings of the general assembly by giving a prior notice of twenty one days and in order to call a meeting of the special general assembly, the association must give a prior notice of seven days.
- (d) The quorum for the general assembly and the special general assembly shall be over 50% of its total voting members. If on the first day there is insufficient quorum then there shall be no quorum for the second day. The other procedures for the special general assembly shall be the same as those of the general assembly.
- (e) If the president is absent in the general assembly, the senior vice-president shall preside over the meeting of the general assembly and in case of the absence of the vice-president as well, the oldest vice-president shall preside over the meeting of the general assembly.
- (f) Matters presented for decision in the general assembly shall be presented in the form of proposals by the executive committee.
- (g) In voting besides elections, voting can be conducted by raising of hands. This way of voting shall not be considered as having infringed upon the right to secret balloting.
- (h) In case of a tie in votes, the presiding chairperson of the general assembly shall exercise his/her casting vote.
- (i) The majority decision of the attending members of the general assembly shall be deemed to be the decision of the general

assembly. Such decision shall be certified by the presiding chairperson of the assembly and a representative of the general assembly.

- (j) The decisions of the general assembly shall be recorded in a minute book.
- (k) The agenda proposed by the members of the general assembly three days prior to the general assembly shall be submitted in the general assembly through the executive committee. Then the general assembly can take a decision on this agenda, however, a no confidence motion cannot be registered through this channel.

II. Other provisions related to the general assembly shall be as specified.

11. Authority to Issue Directives:

- I. The central executive committee of the association may issue directives regarding the affiliation, formation, rights and duties of the provincial general assembly, district general assembly, members of the central executive committee and district executive committee.
- II. The association's central executive committee may suspend the rights and duties of the provincial general assembly, district general assembly, provincial and the district executive committee in case it is found that there has been a breach of the constitution of the association or for any act done against the objectives of the association.
- III. The association may issue necessary directives on discipline and related issues regarding matters related to swimmers, swimming coaches and referees, members of the association, employees, sport journalists and other concerning individuals associated with swimming sports.

Chapter 4

Functions, Rights and Duties of the General Assembly, Executive Committee and Members.

12.Functions, Rights and Duties of the General Assembly:

- (l) The functions, rights and duties of the central general assembly of the Nepal Swimming Association shall be as follows:
 - (a) Deliberating and deciding on the agendas presented by the executive committee.
 - (b) Electing the central executive committee.
 - (c) Appointing auditor and determining his/her remuneration.
 - (d) Deliberating and deciding on the auditor's report.
 - (e) Approving the annual program and budget.
 - (f) Deliberating and deciding on the motion of vote of no confidence if such motion is presented.
 - (g) In case a motion of vote of no confidence is passed against the executive committee, to form an ad-hoc committee until a new election is held.
 - (h) Amending the constitution.
 - (i) Imparting necessary directives to the executive committee and deciding on various proposals regarding contemporary issues.
 - (j) Performing necessary tasks for achieving the objectives of the association or imparting directions for the same.
 - (k) The office works of the general assembly shall be carried out by the secretariat or the office of the executive committee.

13.Functions, Rights and Duties of the Executive Committee:

- (l) The central executive committee of the association shall have the following functions, rights and duties remaining within the prevalent laws and regulations:
 - (a) To execute the tasks prescribed to it as specified in the laws, regulations and the constitution.
 - (b) To remain active for the development and expansion of sports.
 - (c) To conduct activities for achieving the objectives of the association.
 - (d) To organize and conduct district, provincial and national level competitions, as well as organize and conduct international competitions.

- (e) Identifying sources to muster financial resources, sport equipment and conduct such programs.
- (f) To formulate annual budget and programs as well as formulate financial regulations and regulations for its employees, other necessary regulations and submit them before the general assembly.
- (g) To coordinate and collaborate with other sports associations for the development and expansion of sports.
- (h) To grant approval for the formation of provincial and district associations as well as coordinate and direct them.
- (i) To support provincial and district associations under its umbrella in order to run programs and to develop swimming sports.
- (j) To deliberate on proposals for granting memberships and in case of disputes over granting of memberships, to decide and direct the district executive committee.
- (k) To arrange for the yearly audit of the association.
- (l) To provide recommendations and suggestions to the National Sports Council, Nepal Olympic Committee and the Government of Nepal regarding the development and expansion of swimming sports and to implement directives received from them.
- (m) To maintain a record of the swimmers and coaches as well as to conduct various programs for the benefit and welfare of the national and international players.
- (n) To take actions to resolve obstacles seen in the development and expansion of swimming sports and seek help from the concerning authorities.
- (o) To conduct conferences, conventions, seminars, workshops, competitions, trainings for the development and expansion of swimming sports as well as to take part or send representatives or players in such conferences, conventions, seminars, workshops, competition, trainings run by national and international federations.
- (p) To prescribe and impart directives to the district and provincial swimming associations and their office bearers regarding their functions, rights and duties.

- (q) To form local clubs.
- (r) To approve the constitutions of provincial, district swimming associations and the local clubs.
- (s) To delegate its powers to its members or officer level employees.
- (t) To form various sub-committees for various swimming related tasks of the executive committee and define their roles, rights and duties.
- (u) To fix membership fees of all members.
- (v) To manage the office of the association.
- (w) To carry out necessary tasks in order to achieve the objectives of the association.
- (x) To issue directives and take disciplinary actions against the associations and bodies, players, referees, coaches and related persons under its jurisdiction as well as to players, referees, coaches, and related individuals.
- (y) To specify the other rights and duties of the members.

14.Functions, Rights and Duties of the Secretariat:

The functions, rights and duties of the secretariat shall be as follows:

- (a) To make necessary decisions on behalf of the association at times when the meeting of the association is not on.
- (b) To present its decisions and actions for approval in the meeting of the association.
- (c) To implement decisions of the association.
- (d) To prepare proposals for tasks to be carried out by the association.
- (e) To remain active in the development and expansion of sports.
- (f) To prepare annual policies, programs and budgets.
- (g) To carry out any other task as directed.

15.Functions, Rights and Duties of the Members of the Association:

- I. The functions, rights and duties of the president of the association shall be as follows:
 - (a) To preside over the meetings of the general assembly and the executive committee.
 - (b) To evaluate and inspect the implementation of the decisions

- made by the general assembly and the executive committee and issue necessary directives.
- (c) To perform daily tasks as required by the president.
 - (d) To maintain proximity with the Nepal Sports Council, Nepal Olympic Committee and other associations and organizations related to sports to order to develop swimming sports.
 - (e) To give his /her casting vote in the meetings.
 - (f) To provide leadership to the association.
- II. The functions, rights and duties of the senior vice president of the association shall be as follows:
- (a) To perform and oversee all tasks of the president in his/her absence.
 - (b) To perform other tasks delegated by the executive committee or the president.
- III. The functions, rights and duties of the vice-president of the association shall be as follows:
- (a) To perform and oversee all tasks of the president and the senior vice-president in their absences.
 - (b) To perform other tasks delegated by the executive committee or the president.
- IV. The functions, rights and duties of the general secretary of the association shall be as follows:
- (a) To convene meetings of the executive committee after consultation with the president and to convene the general assembly as per the decision of the executive committee.
 - (b) To present agendas for discussion in the meeting of the executive committee.
 - (c) To implement the decisions of the executive committee.
 - (d) To maintain a minute book and manage the administration of the association.
 - (e) To carry out daily administrative tasks of the association.
 - (f) To perform the tasks assigned by the general assembly and the executive committee.
 - (g) To correspond on behalf of the association.

- (h) To attest the decisions, orders or other documents of the association.
 - (i) To represent the association in places where required in consultation with the president.
 - (j) Present reports.
 - (k) Maintain record of the members of the association.
 - (l) Send periodic reports or progress details of the association to the concerning institutions.
 - (m) Establish and maintain contact with concerning international swimming organizations.
 - (n) Prepare the annual program and submit to the executive committee for approval.
 - (o) Perform other tasks as assigned by the president.
 - (p) For the execution of the association's works, the general secretary may take an advance of up to NPR 25,000/- (twenty-five thousand rupees) at a time for expenses.
 - (q) Issue administrative orders and approve expenditures.
- V. The functions, rights and duties of the secretary of the association shall be as follows:
- (a) To perform or oversee all tasks of the general secretary in his absence.
 - (b) To perform tasks delegated by the executive committee, the president or the general secretary.
 - (c) To provide support in tasks assigned to the general secretary.
- VI. The functions, rights and duties of the treasurer of the association shall be as follows:
- (a) Take responsibility of financial transactions.
 - (b) Maintain accurate accounts of the association.
 - (c) Present the budget and its details to the executive committee and to the general assembly.
 - (d) Open the bank account of the association.
 - (e) Represent the association at the designated places in consultation with the president and the general secretary.

- (f) Operate the account according to the decisions of the executive committee.
 - (g) Maintain the association's fund and accounts in a lawful manner and keep records of the association's assets, liabilities, income and expenses and ensure that they are audited.
 - (h) Assume all responsibilities related to the association's funds and accounts.
 - (i) Conduct a physical inspection of the association's tangible assets.
 - (j) Maintain a proper record of membership fees or donations or other amounts and collect all dues.
 - (k) Implement and ensure compliance with the Public Procurement Act of 2063 B.S. enacted by the Government of Nepal.
- VII. The functions, rights and duties of the Joint-Treasurer of the association shall be as follows:
- (a) Assist the treasurer.
 - (b) Perform tasks delegated by the executive committee, president, or the treasurer.
 - (c) Perform other assigned duties.
- VIII. The functions, rights and duties of the members of the executive committee shall be as follows:
- (a) To participate in meetings of the executive committee and the general assembly.
 - (b) To provide recommendations and suggestions for the development of swimming sports.
 - (c) To represent the association as directed by the president or the general secretary.
 - (d) To perform other assigned tasks.

Chapter 6

Membership

16. Memberships of the Association:

- I. Individuals who respect and honour the constitution of this association and those who have contributed to swimming directly or indirectly or those who are keenly interested in swimming may be granted membership of the association remaining within this constitution and regulations regarding memberships.
 - (a) Lifetime Member
 - (b) Honorary Member
 - (c) Distinguished Member
 - (d) General Member
- II. Lifetime membership of the association shall be granted on the following basis:
 - (a) Individuals who have paid lifetime membership fees as prescribed by the association.
 - (b) Individuals who have made significant contributions to swimming sports may be granted lifetime membership by the executive committee.
 - (c) Lifetime membership fee shall be as prescribed by the association. However, for providing lifetime membership as per sub-article 2(b), this provision shall not have any adverse effect.
 - (d) The executive committee may increase or decrease the lifetime membership fee.
 - (e) Individuals who pay the life time membership fees as prescribed by the association may be granted lifetime membership.
- III. Honorary membership of the association may be granted on the following basis by the central executive committee:
 - (a) Individuals or organizations who have provided their services to swimming sports for a long period of time.
 - (b) Individuals who have made special contributions to swimming sports.

- (c) Honorary membership may be provided to any Nepalese or foreign individuals or organizations as well.
 - (d) No fee shall be charged to honorary members.
 - (e) Honorary members shall not have voting rights.
- IV. The central executive committee of the association may grant distinguished membership to any of the following individuals or organizations:
 - (a) Individuals or organizations who have provided significant financial support to swimming sports.
 - (b) Individuals or organizations who have provided sporting gears or those who have provided for or constructed physical infrastructure for swimming sports.
 - (c) Swimmers or coaches who have achieved respectable positions in international level swimming competitions thereby enhancing the name and prestige of the country.
 - (d) Distinguished Specific members shall not have voting rights.
- V. General membership of the association may be granted on the following basis:
 - (a) Individuals interested in swimming sports.
 - (b) Individuals who respect and honour the constitution of the Nepal Swimming Association.
 - (c) The district executive committees of the association may grant general membership of the association remaining within the constitution, regulations regarding granting of memberships, if it has been formulated and as per the directives given by the central executive committee.
 - (d) Ordinary members shall have the right to participate and vote in the general assemblies of the district associations.
 - (e) Those members who have been granted memberships on the recommendations of the district association shall have to pay an entry fee of NPR. 100/- (hundred rupees) and a yearly membership fee or NPR 51/- (fifty one rupees) in total NPR

151/- (one hundred and fifty one rupees).

- (f) The fees for the general membership may be paid for up to four years as a lump sum.
- (g) If the fee for the general membership is not paid and the membership not renewed within the specified time set by the association, the membership shall be discontinued.
- (h) The central executive committee may delegate authority to provide honorary and distinguished membership to the provincial and district associations.
- (i) The general membership fee may be fixed by the decision of the association.
- (j) Membership granted by a particular district association shall be considered a membership of that particular district. However, with the permission of the provincial association, the membership may be transferred to a different district. This proviso clause shall not be considered an infringement upon the main provision of this sub-article.
- (k) At the time of granting of lifetime, honorary and distinguished memberships, their membership districts shall be mentioned.
- (l) In spite of anything mentioned above, only Nepalese citizens shall be provided general memberships.

VI. Members of the association, shall only be able to exercise their voting rights if they comply with the following conditions:

- (a) they shall have minimum of 10 affiliated athletes.
- (b) they shall participate in national championships and other national Aquatics competitions recognized and/or organized by the Nepal Swimming Association,
- (c) they shall pay their annual membership fee set by Nepal Swimming Association and comply with all other financial obligations.
- (d) they shall fully comply with the rules enshrined in the World Aquatics Constitution, notably complying with and implementing decisions taken by the Court of Arbitration for Sport, by World Aquatics (notably taken by the

Congress, the Bureau, the Executive or/and judicial panels) and the Nepal Swimming Association, as well as supporting World Aquatics and the Nepal Swimming Association in their efforts to achieve their objectives.

17. Eligibility for Memberships:

Only the following individuals shall be eligible for memberships:

- (a) Nepalese citizens who have attained the age of eighteen. However, there shall be no age limit for players.
- (b) Individuals who are not employees of the associations or their organizations under their umbrellas.
- (c) Individuals who are not mentally incapacitated.
- (d) Individuals who have not been convicted of a criminal offense involving moral turpitude by a court of law.

18. Termination of Memberships:

Memberships of the association shall terminate under the following circumstances:

- (a) Failure to renew membership.
- (b) If the central executive committee decides to terminate the membership on the basis of the recommendation received from the district association that the member has acted against the objective of the association. However, the district association shall provide the concerning general member with an opportunity for clarification before recommending to the central executive committee.
- (c) Being convicted of a criminal offense involving moral turpitude.
- (d) Proved to have lost mental stability.
- (e) Proved to be a non-citizen of Nepal.
- (f) In case of resignation. However, in such case, the district executive committee must approve such resignation and inform the association. The central executive committee shall approve the resignation of other types of members.
- (g) Termination of membership as per the law.
- (h) In case of death.

19. Termination of the Memberships of the Members of the Executive Committee:

- I. The memberships of the members of the central, provincial and district executive committees shall terminate under the following circumstances:
 - (a) Failure to renew general membership or loss of general membership.
 - (b) If found to be engaged in activities contrary to the objectives of the association but such member shall be given an opportunity for clarification.
 - (c) Being convicted of a criminal offense involving moral turpitude.
 - (d) Proved to have lost mental stability.
 - (e) If a vote of no confidence is passed against the concerned member.
 - (f) Being declared bankrupt.
 - (g) Being appointed as a paid employee of the association.
 - (h) If proved to be a non-citizen of Nepal.
 - (i) In case of death.
 - (j) In case of resignation.
 - (k) Being absent from three consecutive meetings without notice.
 - (l) Loss of membership of the association.
- II. The vice-president, general secretary, secretary, treasurer and the members of the committee can resign before the president. The president can also resign before the committee through the vice-president.

20. Filling of the Vacant Positions of the Members:

If any position of a member of the executive committee of the association, province or district becomes vacant as per this constitution, the following process shall be complied for filling the vacancy until the meeting of the next general assembly:

- (a) The executive committee may assign the functions and duties of the said member to another member. However, in case of the vacancy of the post of the president, the senior vice president shall assume the president's functions and duties.
- (b) The vacant position of the member shall be filled by the

general assembly.

- (c) In the event that less than two months remain for the general assembly to convene, the positions shall not be filled and the responsibilities to perform such duties shall not be assigned.

Chapter 7

Motion of No Confidence

21. Motion of No Confidence:

- I. One-fourth of the members of the general assembly can register a motion of no confidence against any office bearer or member of the central, provincial or district committee.
- II. Upon registration of such motion as per sub-article 1, the concerned executive committee shall convene a special general assembly within forty five days to deliberate and decide on the motion.
- III. The meeting of the general assembly called to deliberate on the motion of no confidence shall hear the views of both sides as well as the views of the concerned office bearer or the member. The motion will be deemed to have been passed if two-thirds of the members present in the general assembly votes for the motion. In such a case, the executive committee or the member shall be relieved of their positions.
- IV. The meeting of the special general assembly convened to deliberate on the no confidence motion shall be chaired by the president of the executive committee. If the motion has been registered against the executive committee itself, the oldest member of the meeting of the assembly shall preside. Furthermore, if the motion has been registered against the president, the senior vice president shall preside.
- V. If a motion of no confidence against the executive committee is passed, an ad-hoc committee shall be formed by the members of the special general assembly to hold the election within three months. This ad-hoc committee shall perform daily administrative tasks and conduct the election as well.

- VI. If the annual general meeting is due to be held, the motion of no confidence can also be presented at the annual general assembly itself.
- VII. A motion of no confidence cannot be brought forward within one year of the election or within one year of the motion being rejected.

Chapter 8

Account

22.Operation of the Fund:

- I. The official account of the association is as follows:-

Name of the Bank- Global IME Bank Ltd.

Branch- Kamaladi, Kathmandu, Nepal.

Account Number: 30101010000033

All accounts shall be operated by two joint signatures:-

- a) Either of the president or the general secretary and
- b) Compulsory signature of the treasurer

- II. The sources of the funds of the association for performing its tasks are as follows (but are not limited to) :-

(a) Funds received from the Government of Nepal, the council or other funds.

(b) Grants, donations or gifts received from international donor agencies or private individuals or affiliation fees or contributions from World Aquatics with prior permission of the relevant authority of the Government of Nepal.

(c) Membership entrance fees, renewal fees or lifetime membership fees received from such members.

(d) Movable and immovable properties acquired or received by the association.

(e) Earnings, capital investments of the association.

- III. At the provincial and district levels, the account shall be conducted jointly through two signatures of two office bearers amongst the president, the general secretary and the treasurer. However, the signature of the treasurer shall be mandatory.

- IV. The accounting of the income, expenditure and record of the association shall be conducted by the auditor approved by the Government of Nepal; however, this association is autonomous and independent in terms of its uses of funds and its sports and development activities without any outside interference. This association is also obliged to manage its affairs independently and without regard to undue influence by third parties or government(s).
- V. The audit report shall be submitted to the council and the concerned authority.

Chapter 9

Miscellaneous

23.Provision regarding Honorary President:

The association may confer the title of "Honorary President" to the past presidents. The immediate past president shall be invited to the meetings of the committee.

24.Provision regarding Committees, Sub-committees and Advisors:

- I. The association may form various committees and sub-committees to organize the works of the association and assign responsibilities to them.
- II. The association may appoint respectable individuals of the society, former athletes, social workers and intellectuals as advisors for the achievement of the objectives of the association.

25.Amendment in the Constitution:

- I. For any amendment in this constitution, the executive committee shall issue a written notice at least 21 days before the general assembly.
- II. The proposed amendment shall be considered to have been passed if at least two-thirds of the members present in the general assembly vote for the amendment. However, such amendment shall come into force from the date the World Aquatics approves such amendment in an implicit manner.

26.Election:

- I. For conducting the elections as per this constitution, the executive

committee shall form an election committee. The representatives from National Sports Council, Nepal Olympic Committee and the World Aquatics shall be invited as observers. However, World Aquatics shall be informed of the Electoral General Assembly including date, location, time, agendas, etc. at least sixty (60) days before such Electoral General Assembly.

II. The procedures for the election shall be fully democratic, transparent and as prescribed below:-

- A notice of the election shall be sent to all the voting members at least 21 days before the meeting of the General Assembly.
 - Nominations may be submitted by any voting member of the association.
 - Nominees cannot run for more than one position within the Executive Committee.
 - Nominations for the election shall be submitted to the Election Commission or the Polling Officer at least 10 days before the date of the General Assembly.
 - All voting members of the association shall be notified of the names and a brief history of all the nominees at least 7 days prior to the General Assembly.
 - Elections of the Executive Committee shall be conducted through secret ballots.
 - In case where more than 1 nominee for a particular position within the Executive Committee, the candidate who receives the highest number of votes cast shall be declared elected for the said position.
- Such procedure may be more detailed in a specific bye-law to this constitution.

Until the Election Directive has been formulated by the association, the procedures laid down by the election committee remaining within the parameters of the above procedures shall be followed.

III. The election committee shall bear the responsibility of conducting free and fair elections according to the prevailing laws of Nepal and the association's constitution.

- IV. The decision made by the election committee regarding any disputes arising in connection with the elections shall be final.

27. Authority to Formulate Rules or Regulations:

- I. The association may formulate rules, regulations, procedures and directives as required for attaining the objectives of the association, remaining within the provisions of this constitution.
- II. The rules, regulations, procedures and directives formulated by the executive committee shall commence after their approvals by the general assembly.
- III. The Nepal Anti-Doping Rules shall be an inalienable part of this constitution and can be amended in the same way as that of this constitution.
- IV. The World Aquatics Integrity Code 2023 has been adopted by this constitution and shall fully observe and adhere to the provisions of the Code.

28. Fiscal Year:

The fiscal year of the association shall be the same as that of the fiscal year of the Government of Nepal. The audit report of each fiscal year of the association shall be submitted to the council within the month of Ashwin. If for any reason, the audit report cannot be submitted within the month of Ashwin, it must be submitted to the council within the end of the month of Poush.

29. Removal of Obstacles:

Should there be any obstacle in the execution of this constitution, the central executive committee may remove it by making a decision to this effect. However, such decision must be endorsed by the following general assembly.

30. Dispute Resolution:

- I. Disputes shall be resolved by the Court of Sports Arbitration formed in accordance with the international norms and standards.
- II. In the event of the Court of Sports Arbitration as referred to in sub-article (1) has not been formed, the executive committee shall form a Dispute Resolution Investigation Committee and resolve the dispute

based on the recommendation of the committee.

31.Dissolution of the Association:

The association shall not be dissolved without the prior written approval of the World Aquatics. In the event of the dissolution of the association, all of its assets shall be transferred to the National Sports Council.

32.Maintaining the Good Reputation of World Aquatics in the World:

The Association shall remain totally committed to ensure that the World Aquatics is not brought into disrepute in any way whatsoever as a result of actions or omissions of the association or of any of its members, representatives, athletes, officials or any other person subject to the association.

33.Repeal and Savings:

- I. Decisions and actions taken under the Constitution of Nepal Swimming Association of 2063 B.S. shall be deemed to have taken under this constitution.
- II. The recognitions of the organizations or clubs under this association shall be deemed to have given under this constitution and recognized as of before.
- III. The district and provincial associations formed with the approval of the ad- hoc committee, shall be deemed to have been formed under this constitution.
- IV. The decisions and actions taken by the ad-hoc committee shall be deemed to have taken under this constitution.
- V. The district and provincial ad-hoc committees recognized by the central executive committee or by the executive committees shall be deemed to have been formed under this constitution.
- VI. The previous Constitution of the Nepal Swimming Association of 2063 B.S. has been repealed.
- VII. Any provision in this constitution which is contrary with the prevalent laws of Nepal shall be void to that extent.